

**VESTRIES IN COLONIAL VIRGINIA**

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VESTRIES IN COLONIAL VIRGINIA

By

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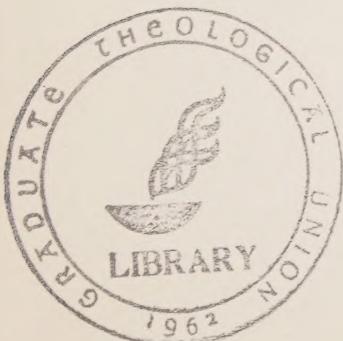
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Dedicated to

HENRY M. SHIRES, B.D.

In appreciation of his  
inspiration and kindly assistance  
in developing this thesis



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## FOREWORD



## FOREWORD

In the life of each Episcopal Church today the vestry plays a part of ever-growing importance. The danger of a tyrannical bishop is minimized by the representation which the people have through the elected vestry in the administration of the affairs of their own parish. This American vestry is unique in the Anglican Communion. To be sure, there have been vestries in England for centuries; but the American development has been along entirely new lines. If, therefore, we are to understand the philosophy which lies behind our modern vestry, it is important to know something of the history of this institution in America. Up to this time but little work has been done on this fascinating subject. The present paper is an attempt to follow the fortunes of the vestry in the Colony of Virginia from its foundation to the Revolution. It was in Virginia that the Church of England in the Colonies was most fully established and that the American vestry first came into being. All later development was the outgrowth of the situation in this one colony. The following thesis is a careful study of this problem. The work has been detailed and thorough and is a valuable contribution in the field of American Church History. We are grateful to the author, Mr. James G. Caldwell, Jr., for a new investigation of an exceedingly important question.

*Henry M. Sherry*



## PREFACE



## PREFACE

I have, in recent years, heard of many vestry and clergy disagreements. These were differences that did not confine themselves merely to the vestry meeting. It was only a few years ago that a clergyman was locked out of his parish because of a dispute with his vestry. My interest was aroused as to the exact relationships which ought to exist between the vestry and the clergyman, and I decided to investigate the antecedents of such relationships. The natural procedure was to turn to the colonial period. After a futile search, so far as I could discover, I found that there never had been anything written on the subject. Realizing the necessity for such a book because of the extreme importance which the vestry has today not only in the well-being of the church but also the communal life, I was tempted to present a survey of the field in the form of a thesis. Finding it impossible to trace such developments in all the colonies in which the Church of England was established, I satisfied myself by confining this study to Virginia. Virginia is the most important colony and



the ecclesiastical legislation is the oldest. Moreover, the influential induction controversy took place there.

I have attempted to trace the growth, development, and relationship of the vestry and clergy in Virginia during the colonial period. My attempt is not only to present the colonial legislation pertaining thereto, but also to view the whole situation without prejudice.



CHAPTER I  
VESTRY BACKGROUNDS IN ENGLAND



## CHAPTER I

### VESTRY BACKGROUNDS IN ENGLAND

The Conquest of England under William the Conqueror in 1066, besides the great political changes wrought, affected ecclesiastical organization, for with the conferring upon the lords by King William the right to found churches on their own lands, the territorial parish-township began to take form. By the end of the 12th century, the parish became known as an ecclesiastical form of township.<sup>1</sup> The boundaries of the parish and the original units were identical.

The term vestry has a very curious origin, extremely foreign to the understanding of the term as we have it today. Vestry is derived from the Latin word vestiarium, or apartment for clerical garments. These rooms were very rare in mediaeval times, but with the close of the 11th century gradually grew to prominence and were in dominant use by the 14th century.<sup>2</sup> The vestry itself was usually behind

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<sup>1</sup> E. Ingle, Local Institutions of Virginia, p. 51.

<sup>2</sup> P. H. Ditchfield, The Village Church, p. 270.



the altar on the north side of the church. In it were kept all the rich robes of the priests, and it was here that the priests robed. But the vestry held even more important things than robes as time went on. By the 13th century the vestry became the place for keeping of records, registers, account books, instruments for punishment, and curious things as the copper cauldron of Frensham Church which was used by churchwardens at church-ales. The Synod of Exeter of 1287 ordered that chests should be placed in churches in the Vestry for the keeping of books, registers, and the churchwardens' account book.

This vestment room was used also for the meeting of the towns-people to discuss the business of the parish and with gradual progress became applied to those men who met there for that purpose. At this ancient period all affairs of a parish, whether ecclesiastical or civil, were regulated in the vestry. Those powers and duties which did not belong to the offices of the manor became the business of the vestry, whether ecclesiastical or civil. It is safe to date the use of the vestry, as composed of those entrusted with the affairs of the parish, to the 14th century. However, some would date it as early as the 13th century.

During the 15th and 16th centuries the term vestry took on a little different phase. The words general and special vestry appeared. General vestry was applied to the chosen group from the large general vestry.



As to the date of the beginning of the use of churchwardens, we can only conjecture. That they existed during the 13th and 14th century, we have evidence in their account-books that have been discovered in the chests of that time, which were required to be kept in the vestry by the Council of Exeter of 1268.<sup>4</sup> However, we cannot be absolutely certain that they did not exist before this period. As to their duties, we can only surmise from the records that they kept of the financial transactions of the parish. By the latter part of the 14th century, there are records which mention the churchwardens as laymen appointed by parishioners to represent them in the duties of repairing the church and delivering the various objects required for divine service, and to exercise custody or guardianship of church property. By degrees many other rights and duties became invested in them. In particular, because of legislation of the reformation period, they were engaged in such secular functions as administration of outdoor relief and the overseeing of the poor. Their position subsequently received attention in the Canons of 1604 that:<sup>5</sup> "...all churchwardens or questmen in every parish shall be chosen by the joint consent of the minister and parishioners, if they can't

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<sup>4</sup>

Ditchfield, op. cit., p. 273.

<sup>5</sup>

F. Makower, Constitutional History and Constitution of the Church of England, p. 346.



agree, then the minister shall choose one and the parishioners another.<sup>6</sup> This is still the method except in cases where custom dictated different usages. In Northern England, in many parishes, it is the custom to have the churchwardens appointed by the select vestry or by the Lord of the Manor. The churchwarden assumed the care for church fabric and churchyard, and the money for the upkeep of such was paid over to him by the vestry of the church trustees. The churchwarden, with the minister, was to decide upon the disbursement of money received in divine service. Although this law was repealed in 1661, the churchwarden still had the power of reporting the immorality of the clergyman to the diocesan. During a vacancy in the pulpit the churchwarden was to manage the profits of the living and to control the expenditures.<sup>7</sup> From the 17th century, churchwardens gradually became chief officials for temporal business.

By that time the vestry, with many of the parish officers such as the churchwardens, sextons, beadle, and parish clerks, had united in themselves spiritual and temporal powers. In some parishes this ceased in 1662 with the passage of an Act by which it became allowable to appoint overseers of the poor in smaller districts of large parishes.

<sup>6</sup> Although these Canons were not passed by the Parliament of England, nevertheless they remained as effective laws in the Church.

<sup>7</sup> Makower, op. cit., p. 347.



By the Canons of 1604 the parish minister was to take part in the appointment of the parish officers along with the vestry. He was not subject to the final decisions of the vestry, as was the case in the colony of Virginia a few years later. The vestry had no part in the securing of the minister, as he was appointed by the diocesan. The minister appointed his representatives and curates subject to the Episcopal approbation. Of special note is the appointing by the minister of the parish clerk, delegated in Canon 91 of 1604, where his appointment was for life and he was to swear to obey the minister.<sup>8</sup>

The duties of the vestry of the Church of England until the 18th century can be said to be: maintenance and repair of the church, the care and appointment of overseers of the poor, the administration of the parish property through trustees, raising parish levies, making provision for burial grounds and the care of the same, and being of assistance to the parish minister.

As the minister was appointed by patronage and had the power to appoint his own officers, the vestry served only as a means of assistance and not as a check upon the minister, as was the case in the Colony of Virginia.

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<sup>8</sup>

Makower, op. cit., p. 338.



## CHAPTER II

THE GROWTH AND DEVELOPMENT OF THE PARISH  
AND VESTRY IN COLONIAL VIRGINIA



## CHAPTER II

### THE GROWTH AND DEVELOPMENT OF THE PARISH AND VESTRY IN COLONIAL VIRGINIA

Since the parish was one of the ordinary local divisions in England, it naturally became a part of the land division of the Colony of Virginia. We can feel certain that parishes did exist practically from the founding of the colony. Henrico Parish was established during the rule of Governor Dale in 1611. However, our first evidences by law for the existence of the parish is not until 1632,<sup>1</sup> when by act of the Assembly it was stated that:

...there shall be in every parish a public granary unto which there shall be contributed for every planter exceeding the age of 18 years..., the which shall be disposed for the public uses of every parish by the major part of the freemen.

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1

W. W. Hening, Statutes at Large, Laws of Virginia, Vol. I, p. 125, Act XV of 1623; P. A. Bruce, Institutional History of Virginia, p. 55; E. Ingle, Local Institutions of Virginia, p. 54: agree that these are the first evidences of the existence of the parish system.



The original parishes were laid out in the same manner and often with the same bounds as the old plantations. That is, they extended miles along the river, but only short distances into the interior.<sup>2</sup> As, by law of 1624, places of worship were to be established on every plantation, it was natural for the parish at first to have the plantation bounds. When the country was laid off in shires in 1632, each shire was divided into parishes and also into precincts for the constables.<sup>3</sup> However, it is safe to say that this was merely a readjustment of the existing parishes.

The parish in Virginia was "the local unit for the administration of the religious affairs and the promotion of the moral health of the community."<sup>4</sup>

Up until 1660 the boundaries of a parish could not be changed except through an Act of the Assembly. The general procedure was for the County Justices to survey the county and divide it into parishes and then report back to the Assembly for confirmation.<sup>5</sup> Because of the complaints of the colonists that attendance at service was impossible because of the great size of the parishes and the inclement

<sup>2</sup> Ingle, op. cit., p. 58.

<sup>3</sup> Hening, op. cit., I, p. 224, Act of 1634.

<sup>4</sup> Bruce, op. cit., p. 55.

<sup>5</sup> An example is the dividing of Upper and Lower Norfolk Counties in 1643. Upper Norfolk divided into three parishes and Lower Norfolk into two parishes. Hening, op. cit., I, p. 251 ff., Act XVII for March 1643.



weather conditions of the winter season made travel of such great distance impossible, the General Assembly of 1643<sup>6</sup> passed an Act that the larger parishes could petition to be laid off into smaller parishes if their tithes for the upkeep of their clergy and church were paid. By 1657<sup>7</sup> the county commissioners were instructed to meet with the inhabitants of their parishes and divide the parish, if the major portion of the people agreed. In 1660<sup>8</sup> the Assembly further stipulated that the parishes were to be bounded, as far as possible, by their natural limits. But with the increased complaint of the people during the 1660's that the support of a clergyman was impossible and that in some cases even the building of a church or chapel was impossible, the Assembly in 1666<sup>9</sup> passed an Act requiring that a chapel or church must be built in every parish, and if the parish was too poor it should be joined with the adjoining parish. This was done in a few cases. However, it hindered rather than stimulated the parish activities. It caused disagreement in the vestries, and the territory became so large that it was impossible for the minister to administer it. It also made

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<sup>6</sup>

Hening, op. cit., I, p. 347, Act of 1643.

<sup>7</sup>

Ibid., I, p. 467, Act of 1657.

<sup>8</sup>

Ibid., II, p. 48, Act of 1660.

<sup>9</sup>

Ibid., II, p. 44, Act of 1666.



a setback in the number of parishes. In 1666 it was estimated that about fifty parishes existed in Virginia. However, by the turn of the 18th century, despite the growth in population and the divisions of parishes brought about by the law of 1666 for dissolution, the figures show that there were less than fifty parishes in existence. The poorer parishes joined with neighboring parishes, in order to escape the burden and responsibility connected with parish administration.

To meet these conditions, the Assembly in 1699<sup>10</sup> gave permission to the vestry of each parish to make as many divisions in the parish as it felt necessary to carry on the parish work. A survey of 1722<sup>11</sup> shows the great inequalities of size of parishes. Some were as large as sixty miles, while others were very small. However, the size of a parish was determined by its tithables and not by its geographic size. From the 1730's on, the parishes began to divide and re-divide, forming themselves into more compact and smaller units.

The use of vestries in the Colony of Virginia can be said to have begun at the outset of the 17th century. We

<sup>10</sup>

Journal of the House of Burgesses, Vol. 1699, p. 402.

<sup>11</sup>

F. L. Hawks, Contributions to the Ecclesiastical History of the U. S. A., Vol. I, pp. 85-6.



have in the Laws of Governor Dale of 1610<sup>12</sup> requirement for the administration of the church to be carried on by the minister and "four of the most religious and better disposed citizens." This law provided that these men were to report abuses and neglect of the colonizers against God, and their duties were to "keep the church handsome and in repair." The minister by this law was given the power to appoint these four assistants. From 1610 to 1640 we find no laws passed by the Assembly with regard to the actual vestries, but we can deduce that they were existing, growing in power, importance, and use. Such deductions can be based on legislation during this period for the glebes, the church, and the clergyman's salary. Dr. Bruce<sup>13</sup> in his study of certain county records feels that by 1635 the use of the select vestry as a body of men who controlled the church affairs of their respective parishes was common and in general practice. From further legislation during this period on the churchwardens, we can quite naturally assume that the vestry existed and was functioning.

12

W. S. Perry, History of the American Episcopal Church, p. 59. Governor Thomas Dale, in writing to a clergyman in London, stated that during his administration the affairs of the church were conducted by the minister and four of the most religious men: Bruce, op. cit., p. 64, quoted from Hamor's Discourse for Dale's Letters; Hawks, op. cit., I, pp. 25-7, quotes Dale's Laws in full.

13

Bruce, op. cit., footnote p. 65, references in Accomac County Records, Orders, September 14, 1635.



In county court records of 1641 it is required by the members of the parish of Jamestown to meet and elect a vestry. Prior to this date, we have no reference to the manner of electing vestrymen. A year later, in 1642,<sup>14</sup> a law by the Assembly stated that the most efficient and select men of the parish be chosen to the vestry and that "there be vestries held in each parish for the making of the levies and assessments for such uses as are requisite and necessary for the repairing of the churches." This Act of 1642 gave the vestries power of presentation to the governor for induction and power of tithing for the support of the minister. The greatest of care was to be taken in the selection of vestrymen, according to this Act, as to ability, character and estate. Vestries became more explicit in the Act of the Assembly of 1644<sup>15</sup> as to election. Vestries were to be elected by the majority of the parishioners, who were to be forewarned of the coming election by the minister, churchwardens, or county officers, to enable all the parishioners to be present on the appointed day.

Since the members of the vestry were men of great political power and prestige in the local community and in

<sup>14</sup>

Hening, op. cit., I, p. 240, Act I of 1642.

<sup>15</sup>

Ibid., I, p. 291, Act V of 1644: "That the election of every vestry be in the power of the major part of the parishioners, who being warned will appear to make choice of such men as by pluralities of voice shall be thought fit."



many cases in the House of Burgesses itself, we find that the vestry soon usurped dictatorial powers. The vestrymen as administrators of the local parish had added prestige because of the great personal weight of their estates, large possessions, force of character, and education. Because of this fact, it is not surprising that the local government fell into their hands; and as such, in many cases it was a stepping stone to the House of Burgesses itself. The governor himself, his position often precarious, was dependent on these men for the well-being of the colony and also in regard to the safety of his own position. These vestrymen often held very powerful family connections at home, especially the large plantation holders. This is very similar to the 13th and 14th century manorial system in England. These vestries, equivalent to the select vestries of England but more powerful, exercised a great social stimulus, and as keepers of public morals were a good example in their personal deportment and in their general conduct. Broadly speaking, the vestry's jurisdiction extended to the repression of all forms of morality, the care of the poor and the administration of the affairs of the church. These were generally the duties of the select vestry in England. However, there were periods in the history of the colony of Virginia in which these vestries became unbearably dictatorial. It is this period that we are discussing. Around the middle of the 17th century the vestries



lost their congregational and democratic appearance. The vestries took upon themselves the government of the parish within their own jurisdiction, dissolving the electoral system. This we know as the period of self-perpetuating vestries. The previous religious laws of the colony were totally ignored, and they invested in themselves the sole authority. The glebe was withheld from the minister, the minister's salary was scarcely paid and when paid was not the amount stipulated by law, and the ministers were hired as servants instead of rectors. During this period ministers were kept from induction by being hired by the year, without tenure. However, we cannot be too derogatory, for these vestries did serve to good ends in the thinly populated parishes, where it was impossible for the congregation to meet en masse. This system also fostered loyalty to the Crown, for many of these men would not otherwise have taken the oath of allegiance. These vestries often had many members. To alleviate this situation, the Assembly in 1660<sup>16</sup> passed an Act limiting the vestry to twelve men:

...for the more orderly managing of the parochial affairs be it enacted that no vestry shall consist of more than 12 persons to be chosen by the major part of the parish and that those so elected shall take the oath of allegiance.<sup>17</sup>

<sup>16</sup>

Hening, op. cit., II, p. 25, Act of 1661.

<sup>17</sup>

Discussion of this law: Hawks, op. cit., I, p. 67.



This Act gave order to the vestry, although we have evidences that the limiting of the vestries to twelve members was not strictly followed. In 1707 in St. Charles Parish it was revealed that sixteen vestrymen were represented.<sup>18</sup> We have such cases clear up to the Revolution. From the preface of the Act of 1676,<sup>19</sup> we see that the existence of the self-perpetuating vestries was still in effect, despite the legislation of 1660, "whereas the long continuance of vestries in several parishes is presented a grievance for remedy." This would indicate a more severe situation than is generally recognized. This law to alleviate the existant situation limited the election of twelve vestrymen to a term of three years:

... freeholders and freemen of parishes within this country by the majority of votes to elect and make choice of 12 freeholders which said 12 shall be and hereby are constituted the vestry of the parish, which are so chosen in order to regulate, and manage the parochial affairs thereof and the election of a vestry to be made in Easter week, and one in every three years.<sup>20</sup>

This Act, which was passed by what was known as Bacon's Assembly, had as its design the lessening of the power of these self-perpetuating vestries by making them more dependent on the people. These self-perpetuating vestries assumed

<sup>18</sup>

Ingle, op. cit., p. 64.

<sup>19</sup>

Hening, op. cit., II, pp. 356-7, Act VI of 1676.

<sup>20</sup>

Ibid., II, p. 25, Act of 1676.



the power of filling vacancies in their board apparently without submitting to an election by popular vote. This, however, we might say in some ways affected the general lack of legal procedure of that time, for under Governor Berkeley the Assembly was in session for half a generation without a general election and exemplified the arbitrary spirit existing in England at the same period. These vestrymen, in many cases, in like manner were members of the House of Burgesses and likewise disregarded law and order in local affairs.

As to filling the vacancies in the vestry in case of death or departure, it was not necessary to call a general election, but by the law of 1661<sup>21</sup> the minister and vestry made choice of another to supply his room until the new election of vestrymen.

Having seen the gradual growth and establishment of vestries, we must now consider the exact duties of the vestries. Probably the most important duty of the vestry was to order the parish levy. Our earliest legislation for the levy is in the Act of 1641,<sup>22</sup> whereby it was provided that a vestry should be appointed in every parish of the colony for the express purpose of laying levies and making

<sup>21</sup>

Hening, op. cit., II, p. 45, Act of 1661.

<sup>22</sup>

Ibid., I, p. 240, Act of 1641.



assessments with a view to raising the funds needed to pay the minister's salary, to repair the church edifice, and to cover all the parochial charges as they arise. In 1646<sup>23</sup> there was granted to the vestries the power of reducing the general levy of tobacco of ten pounds per pole to whatever they should think right. Vestries were in the course of 1658<sup>24</sup> empowered to settle the matters with regard to their parishioners and levies. These duties were re-stated again in the Act of 1661,<sup>25</sup> whereby the vestry was empowered

...for making and proportioning of the levies and assessments for building and repairing the churches, and chapels, providing for the poor, maintaining the minister and such other necessary duties for the more orderly managing all parochial affairs.

The vestry usually met twice a year<sup>26</sup> at the church, vestry house, or convenient private dwelling, at Easter<sup>27</sup> and

<sup>23</sup>

Hening, op. cit., I, p. 328, Act of 1646.

<sup>24</sup>

Ibid., I, p. 433, Act of 1638. Hawks, op. cit., pp. 60-1. The vestries were to settle such matters as arose with representatives of the freeholders and not by themselves, but they were to take the initiative.

<sup>25</sup>

Ibid., I, pp. 44-5, Act of 1661.

<sup>26</sup>

The Journals of the House of Burgesses give reference to these meetings as held twice a year. The Laws of Feb. 29, 1676 also refer to such. Hening, op. cit., II, p. 396.

<sup>27</sup>

The meeting on Easter seems to have been the common custom from as early as 1631, when the churchwardens and the minister met to go over their levies and disbursements. The law of 1631 (Hening, op. cit., I, p. 153, Act III) required such meetings.



in the fall. At the Easter meeting the churchwardens were appointed and the accounts of the preceding year were examined, and in the fall they apportioned the annual levy. At the fall meeting the various expenses of the parish, including the minister's salary, provisions for the poor, etc., were added together and the whole amount divided by the number of tithables. The vestries appointed collectors, who usually were churchwardens to collect the levy, and for their services they received ten per cent of the amount collected.<sup>28</sup> Once every four years the vestries divided the parish into precincts and had it surveyed.<sup>29</sup> During the period of the self-perpetuating vestries when vestries claimed supreme government, suspicion was spread about that they did not act with full fairness in their handling of the tithes of the parish. This suspicion led to the passing of the Act of the Assembly of 1676, whereby the parishioners were to elect six members to have equal vote with the vestrymen at the laying of the levy: "freeholders to choose six sober and discrete housekeepers or freeholders to sit with the vestry and have their equal votes with the

<sup>28</sup>

In 1696 the vestries were made responsible for these collectors, and when they had chosen men who were incapable of collecting the levy they were to be assessed for the amount levied, the matter to be collected by the county court (Hening, op. cit., III, p. 152).

<sup>29</sup>

Ingle, op. cit., p. 64.



vestrymen at the assessing of the parish tax."<sup>30</sup> We will take up the relation of the duties of the vestry to the churchwardens, the glebe, and the minister's salary in following chapters.

In laying the levy the vestry was granted the power to exempt parishioners from the levy who were physically disabled or disabled by age. This became a very serious problem in the question of relief later on.

The second major duty of the vestry was to care for the poor within their own parish. As the wardens assumed the role of caring for the poor and the disbursements for them, further reference on this duty will be found in the next chapter. For the poor, the vestry had to give food, find lodging, and pay for their upkeep out of the parish levy. The poor, however, were supported only by their own parishes, being required to have a year's residence in a parish before they were considered residents. Children of the poor who were unable to be properly clothed, fed, and educated were bound out by the vestry.<sup>31</sup> In 1755 when the relief problem had become very acute because of the drought of that year and the failure of tobacco, the Assembly passed a law which, if it had been rightly administered,

<sup>30</sup>

Hening, op. cit., II, p. 396, Act of 1676.

<sup>31</sup>

Ibid., V, pp. 475-78, Act VI of May 1755.



would have remedied many evils. It was entitled, "An act for employing and better maintaining the Poor," stating that

...it shall be lawful for the vestry of every parish in the colony to order and cause to be erected or purchased, one or more houses within their parish for the lodging, maintaining, and employing of all such poor peoples as shall be upon the parish or who shall seek relief.

These were to be work-houses where the poor and the vagrants alike were to be employed at something that would help to maintain them. The vestry had the right of making regulation for its workhouse and of punishing offenders. By this Act of 1755, free schools were also to be established by the minister and vestry for the education of the poor.<sup>32</sup>

The fourth and greatest duty performed by the vestry, and the duty which caused the greatest controversy and dissatisfaction during this whole period, was the appointment of the clergyman. (This duty will be discussed in the chapter on Induction.)

The fifth and judicial function of the vestry was the keeping and investigation of the parish morals. There are a great many cases of the use of this duty on record.<sup>33</sup> Usually the churchwardens acted for the vestry in the performance of this function. The churchwarden, after presenting

<sup>32</sup> Hening, op. cit., VI, p. 519, Act of 1755.

<sup>33</sup> These instances are gone into in the next chapter on churchwardens.



cases of immorality to the vestry, acted as the representative of the vestry in presenting the cases at the county court. The vestries were empowered to punish those failing to attend divine service or profaning the Sabbath, swearing, cursing, or profaning God's name, being drunk, committing fornication or adultery, or adultery with servants, or bastardy.<sup>34</sup> The vestries were empowered by law to punish such offences by fines, which were to be used for parish expenses.

Possibly the clearest summary of the duties of vestries is found in the Act of the Assembly of 1662.<sup>35</sup> Vestries are "to appoint the clergyman, investigate immorality, lay the parish levy, administer the parish, and care for the poor."

During the 18th century the vestries began to drop back into their self-perpetuating habit. This was received by the people with the same pacifism as during the 17th century. The freeholders had grown in strength and had succeeded in gaining control of the House of Burgesses. As early as 1702<sup>36</sup> the people began petitioning the Assembly

<sup>34</sup> Previous legislation on such is carefully summarized in the laws of September 8, 1696: Hening, op. cit., III, p. 140.

<sup>35</sup> Hening, op. cit., II, p. 44, Act of 1662.

<sup>36</sup> Journal of the House of Burgesses, 1702-05, Accomac County Parish, pp. 275, 278, 281, 322.



for the dissolving of illegal vestries. In 1708<sup>37</sup> the disregard of the existing law limiting the vestry to twelve members and providing for election every three years was brought before the House in a controversy which arose between the members of the vestry from the upper and lower precincts of St. Charles Parish. At a vestry meeting held on March 6, 1708, having been called by the senior churchwarden, Mr. John Daswell, to consider repairing the church, twenty-seven members appeared and immediately were in controversy as to who were vestrymen. The controversy disregarding the illegitimacy of their numbers centered around two of their members, as to whether a Mr. Cheisman (who was elected in 1677 and had served continuously and without re-election) and a Mr. Shields (who was elected in 1692 and had likewise served without election) were still members. The matter was referred to the governor, who, after calling in representatives from the two precincts, dissolved the existing vestry and authorized the sheriff of the county of York to attend and supervise a new election, so as to "avoid all tumult, confusion, and irregularities which usually happened on such occasions."<sup>38</sup> It was further ordered by the governor that

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<sup>37</sup> W. P. Palmer, Calendar of Virginia State Papers and Other Manuscripts, p. 122.

<sup>38</sup> Ibid., p. 122.



only freeholders and householders were to vote; the sheriff to receive from the same a list of twelve men whom they thought should be vestrymen and, after tabulation, the twelve receiving the highest number of votes were to be vestrymen. The Journals of the House of Burgesses and the Laws of the Assembly show numerous cases during this period of just such irregularities.

By the 1740's the people saw that their pleas for dissolution of these illegal vestries were being heard and acted on by law, and a great influx of petitions reached the House of Burgesses. During the period of 1740 to 1770, some two hundred vestries were dissolved for being illegal or using illegal methods. The general complaints are exemplified in the following example. By a petition from the freeholders of the parish of Truro, the Assembly dissolved the Vestry on September 18, 1744,<sup>39</sup> and called for the election of a new one because the vestry had not been "lawfully chosen," and had acted as the vestry for "many years" without re-election. The complaint further read that many of the vestry could not read nor write. In 1775,<sup>40</sup> because of the doubtful election of the vestrymen of the parishes of St. Anne and St. Margaret's, the vestries of both were dissolved and the sheriff

<sup>39</sup> Hening, op. cit., V, pp. 274-5, Act of 1744.

<sup>40</sup> Ibid., V, pp. 380-1, Act of 1745.



of the Isle of Wight was commissioned to supervise the election of the new vestry.

The complaints, however, did not rest with illegal election and self-perpetuation. Many of the vestries were dissolved for stealing the parish levies. On February 25, 1752,<sup>41</sup> the vestry of Frederick Parish was dissolved for swindling the people, having

...levied on the inhabitants of the parish upwards of 1570 lbs. sterling and collected the same on pretence of building and adorning a church in the said parish and then having misappropriated or converted the same to their own use and having refused to render account.

St. Patrick's, Anterim, Cameron, Bath, and Christ Church Parishes had their vestries dissolved in 1759<sup>42</sup> for having more than twelve members.

Most notable during this period is the feeling of the House of Burgesses on the vestry situation. It represented the general feeling of the majority of the people of the colony. On January 16, 1740, there was introduced in the House of Burgesses by the committee on grievances "An Act for Dissolving All the Present Vestries of this Colony and for Electing New Vestries."<sup>43</sup> This Act in one vote passed the House of Burgesses, but was vetoed by the Council.

<sup>41</sup> Hening, op. cit., VI, pp. 256-7, Act XX of 1752.

<sup>42</sup> Ibid., VII, pp. 301-2, Act XXI of 1759.

<sup>43</sup> Journal of the House of Burgesses, Vol. 1734-40, Appendix xxxii.



The vestries had relaxed into such a stupor that it was not uncommon to find the vestry itself made up of dissenters, as for example in Stafford and Suffolk parishes.<sup>45</sup> This situation not only led to the alienation of the people from the parish but was also a direct insult to the local government and a mockery of the laws of the realm of England. The disregard of the laws of the colony and of the almost forgotten oath of allegiance hastened the passage of an Act in 1759 for the mass dissolving of some twelve vestries.<sup>46</sup> The Act further stipulated that no dissenter thereafter should be admitted to any vestry; that

...if the number of vestrymen who are not dissenters, in any parish, shall be less than seven, the vestrymen in such case shall not have power to make confirmation thereof to the court, or to elect others, but such vestries shall continue as at present until the matter shall be represented to the Assembly and a formal dissolution be authorized.

The Act further stipulated that no vestry might do any business as a vestry unless seven of their twelve members were present. If "seven or more are present and the majority of them shall concur on any Act or order, the same shall be valid and binding, although the number so concurring be less than seven."<sup>47</sup>

<sup>45</sup>

Journal of the House of Burgesses, Vol. 1742-49, pp. 378-9.

<sup>46</sup>

Hening, op. cit., VII, pp. 301-03, Act of 1759.

<sup>47</sup>

Ibid., VII, p. 302.



With the close of the colonial period and the pre-Revolutionary period, we see the vestries through their disregard of law losing the power and prestige that formerly had been theirs. Like the clergy, they had divorced themselves from the Assembly which formerly had helped and supported them, and by their own ruthlessness they alienated themselves from their own parishioners.



## CHAPTER III

### CHURCHWARDENS



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### CHURCHWARDENS

As to the exact date of the institution of the office of churchwardens, we cannot exactly say, but the four assistants to the minister required during the martial government were probably this prototype.<sup>1</sup> The first mention of the office was made in the records of the proceedings of the first Assembly in 1619, but nothing is said about the manner of appointing them. In 1632<sup>2</sup> it was ordered that they be selected, and probably they were chosen thereafter by a meeting of all the parish. Up to that time and even later, there was no need of a representative vestry, as most of the parishes were confined to the plantations lying in the vicinity of Jamestown, and all the inhabitants were within easy access of the place of worship.<sup>3</sup> Again

<sup>1</sup> Dale's Laws of 1610 required the minister to choose four assistants. This idea that these four men were prototypes of the churchwardens is alluded to in Perry, History of the American Episcopal Church, p. 59, and in Ingle, The Colonial Institutions of Virginia, p. 66.

<sup>2</sup> W. W. Hening, Statutes at Large, Laws of Virginia, I, p. 153, Acts 2, 3, 4 of 1632.

<sup>3</sup> Ingle, op. cit., p. 66.



in 1642<sup>4</sup> it is mentioned in the laws of the Assembly that two churchwardens should be annually selected in every parish, but there is no reference as to the manner in which they were to be selected. The first reference to two churchwardens for a parish is in this law which requires "at least" two churchwardens to be selected. It is possible that during this period some of the churchwardens were selected<sup>5</sup> by the county court. In 1644<sup>6</sup> the county courts were authorized to call the churchwardens to account if they neglected their duties. It appears from this law that the churchwardens had "been negligent of their duties and office." We have notice as early as 1640 that the churchwardens of Elizabeth River Parish were elected by the vestries.<sup>7</sup> In 1661<sup>8</sup> this method of selection was done away with by a law authorizing and empowering the vestry and minister of every parish to choose

<sup>4</sup>

Hening, op. cit., I, pp. 240-1, Act 1 of 1642.

<sup>5</sup>

P. A. Bruce, Institutional History of Virginia in the 17th Century, p. 80. In 1647 the records of Lower Norfolk County, Vol. 1646-51, p. 36, show the nominating and appointing of churchwardens to have been done by the justices of the county court, as in the case of W. Lucas and F. Land, churchwardens of Lynnhaven Parish.

<sup>6</sup>

Hening, op. cit., I, p. 291, Act 6 of 1644.

<sup>7</sup>

Bruce, op. cit., p. 80, from Lower Norfolk County Records, Vol. 1646-51, p. 80, and Lower Norfolk County Antiquary, Vol. II, p. 87.

<sup>8</sup>

Hening, op. cit., II, p. 45, Act 2 of 1661.



two churchwardens. These wardens were to be chosen annually from the vestry. Some vestries re-appointed one of the wardens who had last served in order that he might act as counsel to the newly chosen one.<sup>9</sup> This may have had some connection with the distinction between senior and junior wardens. However, the law gave neither warden more power than the other, and each was supposed to work in conjunction with the other.

From our earliest record of the churchwardens, we find their duties to be those of general supervisors, watchmen, and collectors of the parish. From their prototype of 1610<sup>10</sup> they were to present all of ungodly character and keep the church "handsome". The oath of office of 1632<sup>11</sup> most clearly summarizes their duties:

Ye shall swear that you shall make presentment of such as shall be common swearers, drunkards or blasphemers..., you shall also make presentments of all adulterers, or fornicators or such as slander their neighbors..., ye shall present such masters or mistresses who shall be delinquent in the catechising the youth..., ye shall collect tithes, and if ye fail in such to be liable for the tithes yourselves.

In 1633 a man was ordered to make a pair of stocks by the warden and then to sit in them several Sabbath days during divine service, and then to ask the minister's forgiveness

<sup>9</sup>

Ingle, op. cit., p. 67.

<sup>10</sup>

Governor Dale's Laws of 1610.

<sup>11</sup>

Hening, op. cit., I, pp. 153-160, Acts 2, 3, 4 of 1632.



for using offensive and slanderous words.<sup>12</sup> These duties became more explicit in the laws of 1642.<sup>13</sup> This law required the wardens to collect and dispose of the fines for drunkenness, Sabbath breaking, neglect of teaching and having children baptized. The parishes themselves generally ordered stocks to be built to incarcerate those whom the churchwardens had to remove from the church for disturbing the worship or "slumbering". The churchwardens were required also by this law to return a correct account of all collections made by the vestry levy and to disburse these collections in obedience to the vestry's orders.

Besides these duties, by the Act of 1662,<sup>14</sup> the duties of the wardens were increased "to keep the church in repair, provide books for the register, provide decent ornaments, a Great Bible, a Communion cloth and napkin, and a pulpit and cushion." They were again exhorted and empowered to collect the minister's salary in good faith.

These remained the general duties of the churchwardens throughout the colonial period. However, during the 18th century the collection of the levy was generally put into the hands of men who made such their profession.<sup>15</sup> In

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<sup>12</sup> Ingle, op. cit., p. 68.

<sup>13</sup> Hening, op. cit., I, pp. 240-1, Acts 1, 2 of 1642.

<sup>14</sup> Ibid., II, pp. 51-2, Acts 2, 3, 4 of 1662.

<sup>15</sup> Ibid., II, p. 156, Act 4 of 1664.



1664 and 1696<sup>16</sup> the churchwardens were charged to see that the services conducted in the parishes were in harmony with the orders and canons of the Church of England.

It was the general practice for the wardens to make their presentments of crimes to the county courts once a month. However, as this led to confusion in the courts, it was established by law of the Assembly in 1662<sup>17</sup> that the "churchwardens shall twice a year in December and April deliver a true presentment in writing of such misdemeanors to the courts as to their knowledge, or by common fame, have been committed." The wardens were further empowered "to cause such persons upon whose reports they based their presentments to appear at the next county circuit court."

The churchwardens had as one of their most important duties the punishment in the case of bastardy. This was a very grave situation in Colonial Virginia because of slavery. Heavy penalties were imposed, and if the woman refused to pay her fine she could be sold in slavery for five years by the warden. This was a necessity so as to save the parish the expense of caring for unwanted children. The severest penalties were imposed on the woman. The man

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Hening, op. cit., II, p. 141, Act 2 of 1696.

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Ibid., II, pp. 51-2, Act 13 of 1662.



involved was made to stand the expense or make guarantee for the care of the child. In the case of a slave who illegitimately gave birth to a child, her master, whether guilty or not, had to stand the expense of the child or see the slave and the child sold to another by the warden. Churchwardens were empowered to bind out, until thirty years of age,<sup>18</sup> every bastard unprovided for; and if he neglected to do his duty, he was responsible to the county court and prosecution.<sup>19</sup> In 1645<sup>20</sup> the county court of Lower Norfolk County directed the churchwardens of Lynnhaven parish to report to the vestry the amount of tobacco they had collected in the parish for the maintenance of an orphan. From this and other like situations, it is apparent that the churchwardens could levy and collect for the care of the poor without the consent of the vestry. In dealing with cases of immorality, the grand jury of the county gradually supplanted the churchwardens, and by the close of the 17th century we find the churchwardens busying themselves chiefly with the care of the poor and matters more closely relating to the parish.

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It was the general practice to apprentice orphans to planters or tradesmen until they were 30, but there are instances when 21 and 24 appear to be the limit in age for apprenticing. The age differed in the various counties.

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Bruce, op. cit., p. 86.

20 Ibid., footnote, p. 86, quoted from Northampton County Records, Vol. 1689-98, p. 93.



The poor of the parish were, during the colonial period, entirely dependent on the good will of the parish. The poor who were without resources were almost everywhere entirely dependent upon the vestry's aid as extended through the churchwardens. The churchwardens sought out the needy persons of the parish and either paid for their accommodations in private families or sent them to the workhouse. They employed doctors to visit them in their sickness and provided the necessary funds to have their bodies decently interred by the sexton. The churchwardens were authorized to give to the poor a certificate which was to be presented to the county officials to free them from the public levies, but not the parish levies, which both the rich and poor alike were required to pay.<sup>21</sup> The need of labor during the 17th century caused only the physically disabled to rely on the vestries for their maintenance. During the 18th century slaves were plentiful, and when the crops were poor many "poor whites" were thrown upon the mercy of the churchwardens, acting on behalf of the vestries, for their maintenance.

The parishes became full of transient vagrants. The situation was so critical that the drain on the parishes became impossible to carry. The Assembly, to alleviate this situation, in 1748<sup>22</sup> passed an Act for "Better Securing the

<sup>21</sup>Hening, op. cit., I, p. 241, Act of 1642.<sup>22</sup>Ibid., VI, pp. 29-33, Act of 1748.



Payment of Levies and Restraint of Vagrants and for Making Provisions for the Poor." By this Act it was lawful to hire only wandering persons who could present a certificate from the county sheriff or the parish churchwardens saying their own parish levies had been paid and they were citizens of good repute. Churchwardens were required to care for all sick transients and when they had recovered to send them back to their own parish. The wardens were to file claim at the county court for any parish which refused to receive the poor back and to pay for the care of the transients who were sick and in another parish. This Act further allowed the churchwardens to apprentice all children in the parish whose parents were too poor to care adequately for them.

The situation became so desperate, as we have previously seen, that in 1755,<sup>23</sup> by an Act of the Assembly the vestries were to build workhouses. The churchwardens were given the authority to send the poor to these workhouses and to call the constable in for assistance in case they refused to work. The wardens were also required to give each a badge to identify himself and to keep a record of all cases.

The most important duty of the wardens as the agents of the vestries, during the first seventy-five years

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<sup>23</sup>

Hening, op. cit., VI, pp. 475-78, Act 6 of 1755.



of their existence was to collect the levies on the tithables. As early as 1632<sup>24</sup> it was required by law that the churchwardens and the ministers, after Easter, should present the record of the collections and disbursements to the county court. As early as 1632 the wardens were empowered to issue a warrant of restraint against the goods and chattel of all persons failing to pay the parish levies.<sup>25</sup>

In 1662<sup>26</sup> the Assembly empowered and exhorted the churchwardens to collect the parish dues, to pay the clergyman's salary out of them, and to give a true receipt of the collections to the vestry. Towards the close of the 17th century this duty of the wardens to collect the parish levy gradually began to disappear, and by the passage of the Act of 1698<sup>27</sup> the vestry was empowered to appoint collectors other than the wardens. All legislation during the 18th century mentions only the appointment of collectors.

The churchwardens were generally among the wealthiest and busiest planters of the community; and, as the parish

<sup>24</sup> Hening, op. cit., I, p. 153, Act 3 of 1632. This duty was further required by the law of 1643; Hening, op. cit., I, pp. 240-1, Act 1 of 1643.

<sup>25</sup> Bruce, op. cit., p. 91. The exercise of such authority by the vestry can be found in the Accomac County Records of Jan. 7, 1632.

<sup>26</sup> Hening, op. cit., II, p. 52, Act 13 of 1662.

<sup>27</sup> Ibid., III, p. 155, Act 11 of 1696.



became more densely populated, it was only natural that they should gradually relinquish this duty which would cause pecuniary loss and personal inconvenience in their own work.

Other duties of the wardens which appeared during the colonial period are small but very important. By the Act of 1705,<sup>28</sup> the wardens were commissioned to read all Acts of the Council or Assembly in the church and to read and deliver all matters which the Assembly or Council might refer to the parish. It is apparent that the wardens served as mediator between the Assembly and the vestry during most of their disagreements.

Because of the dissolution of many vestries after 1730, due to illegal handling of the parish levy, the Assembly in 1752<sup>29</sup> required the churchwardens, in the name of their vestries, to bring action in the local court against any preceding vestry which had been dissolved for illegal handling of the parish levies. The great number of dissolutions made such action on the part of the Assembly practically impossible.

Often the wardens took precedence over the minister and called the vestry meeting and presided.<sup>30</sup> In 1755, an imposter, who claimed to be the son of the Duke of Württemberg

<sup>28</sup>

Hening, op. cit., III, p. 362, Act of 1705.

<sup>29</sup>

Ibid., VI, pp. 256-7, Act 22 of 1752.

<sup>30</sup>

Ingle, op. cit., p. 70.



and a minister, went about the country and deceived vestries into employing him. The governor issued an order bidding wardens not to allow any one to officiate in their churches unless he could prove that he was a regular qualified clergyman. This was made a law a year later, 1756, by the Assembly.<sup>31</sup>

Churchwardens had charge of the decoration of the churches and made preparations for the celebration of the Holy Communion which, by law, was administered at least three times a year. At the beginning of the 17th century the minister and wardens reported to the governor the number of births, marriages, baptisms and deaths that had occurred in the parish, but as the county courts became better established the clerk appointed by the vestry kept a register of such events and transmitted it annually to the court.

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<sup>31</sup>

Hening, op. cit., VI, p. 522, Act of 1755.



## CHAPTER IV

THE CLERGYMAN:  
HIS DUTIES, PARISH RELATIONSHIPS, AND CHARACTER



## CHAPTER IV

### THE CLERGYMAN: HIS DUTIES, PARISH RELATIONSHIPS, AND CHARACTER

The first duty prescribed by law for a minister was the keeping of a record of the baptisms, burials, and marriages occurring in his parish. This duty appears as early as 1619<sup>1</sup> when the first Assembly required a minister to keep such a record and report on it yearly to the Governor. In the laws of the Assembly of 1631<sup>2</sup> this duty was made more explicit by stating: "...in every parish within this Colony there shall be kept by the minister a book wherein shall be written the day and year of every christening, wedding, and burial." From the duties assigned by this Act to the churchwardens, it is evident that this record book was to be kept in conjunction with that of the churchwarden. The Act of the Assembly of 1642<sup>3</sup> stipulated that the minister

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<sup>1</sup> P. A. Bruce, Institutional History of Virginia, p. 186; quoted from Minutes of the Assembly of 1619, p. 26.

<sup>2</sup> W. W. Hening, Statutes at Large, Laws of Virginia, I, p. 158, Act X of 1631.

<sup>3</sup> Ibid., I, p. 241, Act of 1642.



of every parish was to appoint a clerk, and the clerk was to keep the register and present it monthly to the county court. In 1657<sup>4</sup> it was required by law that the vestry keep a register-book, and in 1659<sup>5</sup> the vestry was granted the power to appoint a person to keep the register. However, by the Act of 1661<sup>6</sup> the minister was again required to keep the register. It is apparent that from such legislation a controversy was inevitable, as to who was entitled to keep the register. As the vestries became more powerful and pugnacious they naturally demanded the keeping of the register. Many disputes are known over this issue. The most vivid and colorful is the quarrel which arose between the vestry and minister, the Rev. Claude Phillippe de Richebourg,<sup>7</sup> of Manakia Parish, over the keeping of the said register. At a vestry meeting the minister demanded the register, and it was refused him. The following Sunday, after the service had been conducted, the minister, before the assembled congregation, demanded the register. According to the records, "the warden assured him that the vestry had no intention either to encroach upon his rights or to give up their own and

<sup>4</sup>Hening, op. cit., I, p. 433, Act I of 1657.<sup>5</sup>Ibid., I, p. 542, Act 20 of 1659.<sup>6</sup>Ibid., II, p. 53, Act 16 of 1661.<sup>7</sup>W. P. Palmer, Calander of Virginia State Papers and Other Manuscripts, pp. 112-114.



therefore desired to inform themselves more fully on the matter.<sup>8</sup> The minister, at this presumption, flew into a rage and roused the congregation to such a pitch of fury that they threw the vestrymen who were present out of the church. After an investigation by the Governor and Council, it was shown that the vestry had been formerly given the right to keep the register because of the uncertainty of securing a clergyman, and they were granted the power of still keeping it. It is interesting to note that the minister and the majority of the congregation, displeased with Virginia Law, moved to the Carolinas. Because of the number of such controversies, the Assembly in 1713<sup>9</sup> settled the matter by requiring the minister to keep the register.

A fee was required by law for the registering of these baptisms, marriages, and deaths. In 1696<sup>10</sup> this fee was set at 5 lbs. of tobacco. The marriage fee was raised in 1705<sup>11</sup> from 5 lbs. of tobacco to 200 lbs. of tobacco. To make certain that these fees went to the clergymen and not to the clerk, the warden or vestry, this Act of 1705<sup>12</sup>

<sup>8</sup>Palmer, op. cit., p. 114.<sup>9</sup>Hening, op. cit., IV, p. 45, Act IV of 1713.<sup>10</sup>Ibid., III, p. 153, Act of 1696. Discussed in the Journal of the House of Burgesses, Vol. 1695-1696, p. 72.<sup>11</sup>Ibid., III, p. 444, Act 9 of 1705.<sup>12</sup>Ibid., VI, p. 445, Act X of 1705.



further stated that all fees should go to the minister. It added that if another clergyman officiated, the fee was to go to the minister of the parish in which the person resided, whether or not he performed the service.

The duties of the clergyman were enumerated by law as early as 1631.<sup>13</sup> He was to preach a sermon every Sunday. He must teach the children of his parish the Ten Commandments, the Lord's Prayer, the Catechism, and the Articles of Belief. He was required to attend and comfort the sick. The sacrament of Holy Communion was to be administered by him at least three times a year. In 1661<sup>14</sup> this was reduced to two times a year because of lack of ministers and because of the administration of several parishes by one clergyman. In 1640<sup>15</sup> it was further required of the minister to seek out and to baptize all infants in his parish.

Because of the scarcity of clergymen in the 17th century, it was not uncommon to find one minister serving two or three parishes. Ministers laboring under such circumstances were required by law to supply their pulpits in their vacancy with deacons or layreaders. Provisions were made for such in the Assembly of 1652.<sup>16</sup> Because of the

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<sup>13</sup>

Hening, I, pp, 155-7, Act VII through XII of 1631.

<sup>14</sup>

Ibid., II, p. 48, Act of 1661.

<sup>15</sup>

Ibid., I, p. 290, Act of 1640.

<sup>16</sup>

Ibid., I, p. 209, Act IV of 1632.



neglect of some parishes, in the case where a minister had the spiritual care over more than one, the Assembly of 1644<sup>17</sup> directed the clergyman to spend alternate Wednesdays in each parish and minister to their needs. In 1661<sup>18</sup> the parish, itself, was required to appoint a "sober person of good life and conversation" to read the divine service when the minister was serving another parish.

The 17th century parishes were of great size. This often made for untold difficulties for the minister in fulfilling his parish obligations. The minister often had to travel a day or two to make a sick call or to make a call on a parishioner. Visitations during the winter months were almost impossible. The roads generally were bad and with the winter storms became almost impassable. Visitations were attended by great fatigue, discomfort, and danger.

Strict laws of the colony tended to make the clergyman always on the alert, for the parishioners were required to report to the Council any action unbecoming a clergyman.<sup>19</sup> The minister was fined 500 lbs.<sup>20</sup> of tobacco

<sup>17</sup> Hening, I, p. 290, Act of 1644.

<sup>18</sup> Ibid., II, pp. 46-7, Act V of 1661.

<sup>19</sup> Ibid., I, p. 158, Act XI of 1631: "Ministers shall not give themselves to excess in drinking, or riot living, spending their time idle, playing at cards, dice, or any other unlawful game...."

<sup>20</sup> Ibid., I, p. 290, Act I of 1644.



if he failed to preach on a Sunday. If he was absent from his pulpit for four months, he forfeited half his yearly salary, and if more than six months the whole yearly stipend.<sup>21</sup>

All matters relating to the parish were to be referred to the vestries. As the vestries grew in power and refused to hire the minister on more than a yearly tenure, the clergyman's living became more precarious. The vestries often kept the minister in such uncomfortable suspense that he became nothing more than their yes-man. Complaints made by vestries appear in many cases to be very trivial. Nevertheless, these complaints served in having the minister removed. The vestry of St. John's parish solemnly declared to Governor Nicholson that their object in removing the Rev. John Monroe was not because of his Scotch birth. However, they naively added that any Englishman would have been much more acceptable.<sup>22</sup>

The minister had to be on guard in his preaching so that he did not offend any of his parishioners. If he offended any, he was liable to find the parishioners showing their dislike by having the vestry dismiss him. The greatest care had to be taken in keeping the good will of the vestry and in not saying anything that they might take incorrectly.

<sup>21</sup>

Hening, op. cit., I, p. 433, Act I of 1657.

<sup>22</sup>

M. Standard, Colonial Virginia, Its People and Customs, p. 335.



The Rev. Mr. Kay's case is one of the most striking. Mr. Kay, in writing about the situation to the Bishop of London, relates:<sup>23</sup>

I found that I had a wealthy, great, and powerful Colonel named Landon Carter, a leading man in my vestry, whom I could not reasonably please or oblige, since he was very proud, haughty, imperious, fickle. I soon perceived that he wanted to extort more mean, low, and humble obedience than I thought consistent with the office of a clergyman. He publicly declared I preached against him. He cursed and said my sermon was aimed at him because I preached on pride. I replied that I was glad he applied it, for it was against everyone that was proud.

Colonel Carter secured the support of six other vestrymen and discharged Mr. Kay and locked the doors of the church. They leased his glebe to ruffians, who drove off Mr. Kay's cattle and killed his pigs. However, Mr. Kay had the support of his congregation, and they continued having services in a lower precinct chapel. Another interesting case is that of the Rev. Mr. Fife of Norfolk Parish, who was accused of making reflection on the lives and characters of two of his vestrymen, and was immediately dismissed.<sup>24</sup> We can see that the parish relationships were often not very pleasant for the clergyman. However, we could cite evidences which show the existence of the best of relationship,

<sup>23</sup>

Perry, op. cit., pp. 389-393 (1752): "Mr. Kay to the Bishop of London."

<sup>24</sup>

Journal of the House of Burgesses, Vol. 1747-49, Appendix XX.



even to the extent of raising the clergyman's salary, supplying his glebe with all the necessities, and even giving him slaves for his comfort. These latter cases are not as numerous as the former. During the later 17th and 18th centuries it was quite common for the glebe and often the clergyman's salary to be withheld by the vestries. They held that the clergyman was not entitled to such, because he was not inducted. They refused emphatically to induct.

From instructions to the governors, it is generally accepted that the clergyman was to sit in on the vestry meeting and help direct the affairs of the parish. This was often denied; some cases show that the warden, even when the minister was present, acted as the chairman of the vestry. Even in the cases where the ministers fulfilled their parish duties, they were often discharged because the vestry felt that if they kept them they might have to be inducted. The case of the Rev. Mr. Slater<sup>25</sup> of Henrico Parish shows the vestry dismissed him because they did not want to have the added expense of a minister and feared sooner or later they would have to induct him.

It was the general wish of the Bishop of London, as seen from all his instructions and letters, to send deserving ministers to the colony. Many, however, were

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Palmer, op. cit., p. 290. The Council forced the vestry to receive him back and demanded that they not interfere in the administration of his duties.



permitted to come who did not exemplify these desires. The precariousness of tenure and living made it difficult to get the best men to come to the colony. It is most important that we recognize that it was very difficult for a clergyman coming from the traditions of the Church of England to adjust himself to the system and environment which the colony offered. Virginia was new, crude, and unorganized. Under such circumstances, with large scattered parishes and with a vestry system which the English clergyman could not understand, it is not startling to learn that the clergymen often failed in their endeavors. The clergy, generally, were unable to adjust themselves to a country filled with perpetual hardships.

Many of the clergy were unfit for their work. The uncertainty of the tenure often caused them to be indifferent in the discharge of their duties. Blair even goes further and says that the uncertainty caused by the tenure system "made them [the clergy] base, mean and mercenary in the execution of their ministerial function."<sup>26</sup> Because of the lack of Episcopal supervision and ecclesiastical censure, many irregularities and crimes appeared which might not have otherwise happened.

26

Perry, op. cit., p. 15. "A Memorial Concerning Sir Edmund Andros, Governor of Virginia," by Dr. Blair, 1697.



Bad examples always serve to make a situation seem difficult. Hence, the example of quite a number of the clergy served to blacken the general picture of all the clergy. It is evident that the majority of the clergy during the colonial period "performed all the duties of their sacred calling in a manner entitling them to the respect, reverence, and gratitude of their parisioners."<sup>27</sup> There is no evidence, anywhere, to show that the vestry did not consider the life and character of a minister with regard.

A great number of historians have pictured the immorality of the colonial clergy as without exception. We have to acknowledge the existence of many cases of immorality,--in fact, too many in proportion to the number of clergy in the colony. Nevertheless, the majority had to bear the burden of a few. We must also take into consideration that the English clergy were not reared under the strict Puritanism which existed in the colonies. The English clergy participated in the activities of a gentleman. It is remarkable, then, that there are no incidents in which clergymen are accused of having gambled or participated in card-playing. Only one clergyman was accused of watching horse-racing, and he was none other than Comm. James Blair.<sup>28</sup>

<sup>27</sup>

Bruce, op. cit., p. 203.

<sup>28</sup>

Ibid., p. 207. Quoted from Henrico County Minute Books, Vols. 1682-1701, p. 208.



Probably the first case of unbecoming conduct on the part of a clergyman is found in 1625, when the Rev. Greville Pooley called one of his congregation a liar during the church service. He was rebuked by the Governor and made to apologize publicly and pay Mr. Paulette, the <sup>29</sup> insulted parishioner, 300 lbs. of tobacco.

There are numerous cases of serious immorality committed by clergymen. The Rev. Sampson Calvert of Elizabeth River Parish in 1644 was removed for having had immoral relations with several women, including a servant girl.<sup>30</sup> The Rev. Samuel Gray, a nephew of Sir Edward Wood, a wealthy and outstanding planter, in 1638 became so enraged over the running away of one of his slaves that, when the youth was caught, he tied him to a tree and publicly flogged him to death.<sup>31</sup> Because of his uncle's connections, he was not prosecuted.

There are many cases of drunkenness of clergy during this period. The findings of a conference at Lambeth in 1697 show six clergymen in the colonies at that time accused of habitual drunkenness.<sup>32</sup> The Rev. John Brunskill,

<sup>29</sup>

Standard, op. cit., p. 335.

<sup>30</sup>

Bruce, op. cit., pp. 210-11; quoted from Norfolk County Records, Vols. 1646-51, p. 129.

<sup>31</sup>

Ibid., pp. 213-14; Letters of Lady Wood, VI, p. 378.

<sup>32</sup>

Perry, op. cit., I, pp. 36-40. "A True Account of a Conference at Lambeth, Dec. 27, 1697."



being accused of habitual drunkenness and immoral actions in 1751, was removed after the Governor had held a thorough investigation.<sup>33</sup>

An anonymous proposition sent to the Council in 1697 gives evidence of fornication, adultery, blaspheming, cursing, and drunkenness existing in the case of some of the clergy.<sup>34</sup> The Rev. Mr. Forbes, in viewing the state of the church in 1724, notes:

...the scandalous carriage of some ministers of the church who by their conversation and vicious practice do demolish more in one year than even a wise builder can re-edify in a much longer period.<sup>35</sup>

By 1770 the picture has apparently cleared, for the president of the Council, in writing to Lord Hillsborough, states: "It is with pleasure, my Lord, I say that we have but very few scandalous ministers."<sup>36</sup>

Despite this picture, there were many cases in which the clergyman lived and died, having given his best for his beliefs. The lack of Episcopal supervision and the failure of the governors to handle the situation contributed

<sup>33</sup> Perry, op. cit., I, pp. 449-50; "At a Council held April 21, 1751."

<sup>34</sup> Ibid., pp. 334-44; "A Proposition," 1724.

<sup>35</sup> Ibid., pp. 323-34; "The Rev. Mr. Forbes' Account of the State of the Church in Virginia," July 21, 1724. Mr. Forbes says he quotes part of what I have quoted from a statement made by Dr. Blair.

<sup>36</sup> Ibid., p. 532; "Extracts of a Letter from Mr. President Nelson," November 15, 1770.



to the continued existence of unfit clergymen. In viewing the brighter side, we need only refer to a few cases. Commissary Dawson, in writing to the Bishop of London in 1734, at the death of the Rev. Bartholomew Yates, wrote: "Piety to God and beneficence to man were the only acts of his life."<sup>37</sup> Governor Gooch in 1745 declared that the Rev. James Scott "was a man of discretion, understanding and integrity and in every way a man of God."<sup>38</sup> In 1764 the celebrated George Mason wrote a most affectionate letter to the widow of the Rev. John Mouvere, expressing admiration of his life and character.<sup>39</sup>

In viewing the character of the clergy of Colonial Virginia, one must be careful to note that the bad characters naturally appeared more prominent than the good. Generally speaking, the majority were of high caliber and exercised their duties to the best of their abilities. The same thing is true of the vestry and parish relationships. In a great number of cases the clergyman fulfilled his duties, and through the careful administration of his income lived as well as the rural clergyman in England.

<sup>37</sup>

Perry, op. cit., p. 356; "Mr. Dawson to the Bishop of London," November 8, 1734.

<sup>38</sup>

Standard, op. cit., p. 337.

<sup>39</sup>

Ibid., p. 338.



CHAPTER V

CLERGY SALARIES



16 barrels of corn per year.<sup>4</sup> This was not to amount to more than 10 lbs. of tobacco and 1 bushel of corn per titheable. However, the law further stipulated that if this levy should prove unequal in value to 200 lbs. sterling, "the minister was to be content with less." The Assembly of 1623<sup>5</sup> further added that the "first and best corn and tobacco should be collected," and that no man should dispose of any of his tobacco before the minister be satisfied, upon pain of forfeiting double his part to the minister." One man of every plantation was to collect this levy for the clergyman. It was further stipulated that if the clergyman absented himself without excuse from his parish for a period exceeding two months he should be fined one-half his salary, and if his absence extended to four months he should forfeit his whole salary.<sup>6</sup> In 1632<sup>7</sup> the Assembly increased the minister's salary to "20th of a pigge, 20th of a calfe, and 20th kidde of goate." The minister's collector was to divide

<sup>4</sup> F. L. Hawks, Contributions to the Ecclesiastical History of the U. S. A., I, p. 35.

<sup>5</sup> W. W. Hening, Statutes at Large, Laws of Virginia, I, p. 224, Act VII of 1623.

<sup>6</sup> Ibid., I, p. 123, Act VI of 1623.

<sup>7</sup> Ibid., p. 159, Act IV of 1633.  
It was further stipulated in Law of Feb. 8, 1632 (Hening, p. 207) that the ministers shall appoint the place for the payment of his salary, to avoid confusion.





the flock and herd himself and take the minister's share. It appears that the churchwardens performed this function at this period. As they were often lax in their duties, the county court was enabled by Act of the Assembly to punish the said churchwardens and to collect double from those who had not paid.<sup>8</sup> As a dispute had arisen between the minister and the so-called vestry at the close of the 1630's, the Assembly passed an Act in 1639<sup>9</sup> requiring the minister to pay his clerk and sexton out of the 10 lb. tobacco levy. It appears that the clergymen had been hesitant in using their salaries to meet these dues. During the next few decades the ministers raised the question of the payment of their salaries with their vestries and their parishioners. The parishioners held that the uncertainty of the crops was too great and the manner of collection too uncertain for them to pay this levy. To alleviate this situation, the Assembly in a special Act of 1640<sup>10</sup> required that each titheable pay 10 lbs. of tobacco and a bushel of corn for the support of the minister. The corn was to be

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Bruce, op. cit., p. 147.

Evidences of such in Accomac County Records, Vol. 1633-40, p. 11, in the case of the Rev. W. Cotton appealing to the county justices, and in the Northampton County Records, Vol. 1651-54, the Rev. T. Higby in like manner appealing to county justices and receiving satisfaction.

9

Hening, op. cit., Vol. I, p. 206, Act VII of January, 1639.

10

Ibid., Vol. I, p. 242, Act of 1640.



delivered December 19th, and the tobacco November 20th.

Records show that the clergyman was generally paid in this period, even if he had two parishes and was unable to officiate at both at the required times.

Not until 1646<sup>11</sup> was there an Act passed by the Assembly granting the vestries power to increase or decrease the salary of the clergyman. The immediate cause of such a situation was the Indian massacre of 1645-46, which made "divers parishes very small." This law granted to the vestry the right "to augment the aforesaid rate of tenne lbs. of tobacco per poll to such compitency as they in their discretion shall think fit." Although future acts required the payment of a definite salary, in this law we find the nascence of the attitude of many of the dictatorial self-perpetuating vestries that they had the right of refusing to pay the amount of the minister's salary as fixed by law. Besides their argument of presentment and induction, from this early period they held that, for the welfare of the parish, they had the prerogative of determining the salary of the minister. We would do the situation injustice if we failed to mention the great number of parishes which, instead of lowering the minister's salary, increased it. The vestry of Elizabeth River Parish granted to their minister, the

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<sup>11</sup>

Hening, op. cit., I, p. 329, Act X of 1646.



Rev. Sampson Culvert, 30 lbs. of tobacco per poll.<sup>12</sup>

The clergyman and his family were exempt from the county and public levies. No laws of the Assembly granted such a privilege, but it was apparently common custom. The Bacon Laws, seeking to clarify and moderate this usage, in June 1676<sup>13</sup> exempted the minister from public levies but not his family or slaves. On February, 1676,<sup>14</sup> the minister was further exempt from the Country Court Levy. Some of the clergy raised an issue at this legislation, but the common feeling was that those clergymen who could afford slaves could adequately pay the tax on them.

During this period the self-perpetuating vestries had gained control of the local parish. In many cases they had entirely stifled the voice of the people. In some cases they either refused to receive the clergyman or would hire him only year by year. The outcome of such action was the reduction of clergymen in the colony and the refusal to pay the remaining ministers' salaries as stipulated by law. To check this situation, the Assembly in 1660<sup>15</sup> appealed to the

<sup>12</sup>

Bruce, op. cit., p. 153. Reference from the Lower Norfolk County Records, Vol. 1646-51, p. 135. This 30 lb. poll per person was reduced to 15 lbs. in 1556. In some cases the levy rose to as high as 53 lbs. per poll.

<sup>13</sup>

Hening, op. cit., II, Act XII of June, 1676.

<sup>14</sup>

Ibid., II, p. 392, Act IX of February, 1667.

<sup>15</sup>

Ibid., II, p. 37, Act of March, 1660.



vestries of the parishes who were without ministers to procure subscription from the lax parishioners in order to fill the vacant pulpits. The vestries were empowered to fix the subscription at whatever they felt the individual could afford and to stimulate giving by subscribing themselves. This proved unsatisfactory, for the vestries were prone to make the levy as small as possible in the cases where they did raise the subscription. The Assembly of 1661<sup>16</sup> set the minister's salary at 80 lbs. sterling per year, to be paid in the produce of the parish.

It is evident that the good remuneration provided during the early years of the colony had disappeared; and because of the disposition of the vestry to withhold the salary, the minister was thrown on their mercy. If the tobacco was high, the vestry could pay in corn and withhold the tobacco. If both the corn and tobacco were high, they were empowered to pay in currency, the value of which was low in comparison to the commodities.

Viewing the other side of the picture, we see that the letters of Thomas Ludwell "declared in 1666 that there were few parishes failing to pay their incumbents each year

16

Hening, op. cit., II, p. 45, Act of March, 1662: "and that such provision be made for the minister's maintenance in the value and current commodities of the country as may be really worth at least fourscore pounds per annum besides his perquisites and glebe."



an amount smaller than one hundred pounds sterling."<sup>17</sup> However, incidents in the Records of Northumberland County would serve to illustrate the reverse.<sup>18</sup> Many clergymen during this period returned to England because the salary was too small to provide them a living.

The situation had become very precarious by 1691. Pressure brought on Governor Andros by the government in England caused him to have passed the Ports Act,<sup>19</sup> "to encourage the pious and learned clergy of England to come to the Colony," and to alleviate the current conditions of the clergy in the colony. By this Act, one-third of the custom duties on exports of furs and skins was to be given to the clergy, to be divided equally among them. However, the vestries held the whip over the minister, for no clergyman could receive the said relief without a certificate from his vestry and churchwardens. This subsidy was also to be discounted from the usual levy.

From the close of the 17th century to the Revolution, a bitter fight ensued over the clergyman's salary. This fight was carried on in the first period by Commissary Blair.

<sup>17</sup>

Bruce, op. cit., p. 152; quoted "Letters to Arlington," Winders Papers, I, p. 209.

<sup>18</sup>

Ibid., p. 152; quoted from Northumberland County Records, Oct. 22, 1679, Oct. 20, 1680, Nov. 1680.

<sup>19</sup>

Hening, op. cit., III, p. 67, Act VIII of April, 1691.



By his efforts, pressure from England was brought to bear on Governor Andros<sup>20</sup> (no real friend of the clergy), and he was authorized to make immediate clergy relief.<sup>21</sup> In 1695, under pressure from England, the Governor informed the House of Burgesses to make suitable provisions for the maintenance of the clergy. The Council set the minister's salary at 16,000 lbs of tobacco per year, but the House of Burgesses demanded that the minister be paid only 13,333 1/3 lbs. per year. As the House failed to agree, the bill failed.<sup>22</sup> The response of the House of Burgesses to the exhortation of the Governor, a few days later, to pass this bill is very interesting and throws light on the fact that the vestrymen, who in numerous cases were members of the House of Burgesses, influenced the House in refusing to pass the measure. The reply of the House of Burgesses to the Governor reads as follows:<sup>23</sup>

20

W. S. Perry, Historical Collections of the American Colonial Church, Virginia, I, pp. 11-15. Governor Andros had failed to do anything about numerous appeals to him by ministers for satisfaction from their vestries, who had withheld their salaries.

21

Ibid., I, p. 12.

22

Ibid., I, pp. 11-12. A complete discussion of the proceedings of this salary controversy can be found in the Journal of the House of Burgesses, Vol. 1695-96. Appendix XXI ff.

23

Journal of the House of Burgesses, Vol. 1695-6, p. 16.



The House of Burgesses with all dutiful regard to your excellencies' command humbly beg to acquaint your excellency with the provisions of the ministers of this country in their respective parishes. They have fees by marriages, burials,<sup>24</sup> and glebes, generally the best land, not less in most places than four or five hundred acres and in some places nearly twice that amount, etc. Most, if not all, of the ministers in the country are in as good a condition as a gentleman that is well seated; and it can be concluded that the greater part of the clergy of this country are well content with their present provisions.

By great pressure from the Council, the House of Burgesses finally passed the bill in 1696.<sup>25</sup> It is apparent that the Council during this period, acting as an agent of the crown, supported the clergy, and the House of Burgesses which represented the local vestries was against the clergy. Blair himself went to court and sued a vestry for failure to pay the clergyman's salary, but this did not

24

The clergy did receive adequate remuneration for marriages, burials, and baptisms. This existed by law from 1631 and it was, in 1705, granted by law that the minister was to have all fees of the parish, whether he performed the rite or another in his absence did so.

25

Journal of the House of Burgesses, Vol. 1695-6, pp. 89, 91-3. The attitude of the clergy as expressed in a letter at a convention of June 25, 1695, points out their utter recklessness and their attitude of superiority over the House of Burgesses and would have ruined them had not the letter been withheld by the Council until the passage of the law.



fail to stipulate the sum to be paid for collecting and cast,  
and thereby made the collection and cast to come out of the  
minister's salary, which was thus reduced to some 2000 lbs.<sup>27</sup>

By this Act of 1696<sup>28</sup> the salary of the minister  
was established at 16,000 lbs. of tobacco per year, to be  
levied by the several vestries and parishes throughout the  
colony. This Act further required that the marriage, burial,  
and baptismal fees were to go to the minister, along with the  
glebe. This Act further stated that the vestries were to ap-  
point collectors, and those who refused to pay were to be  
presented to the county court for punishment. We have no  
records of such being enforced except in the cases where  
Commissary Blair pushed the issue to the court.

To meet the emergency of the French refugees of  
King William's Parish in 1704, the Assembly empowered the  
vestry of the said parish to raise what they could at their  
own discretion for the payment of the minister's salary.<sup>29</sup>  
This case was used by many vestries to justify their own  
action in refusing to pay the minister's salary as stipu-  
lated by law.

<sup>27</sup> Perry, op. cit., I, p. 40.

<sup>28</sup> Hening, op. cit., III, p. 152, Act XI of "Act for Better Supply and Maintenance of Clergy," Sept. 8, 1696.

<sup>29</sup> Hening, op. cit., III, p. 478, Act IV of October, 1704.



The situation became more precarious as the years passed. Induction had practically fallen into disuse, and the clergy often had the church doors shut against them and their salaries stopped by the vestry.<sup>30</sup> The situation is clearly seen in the inquiries sent to every clergyman in the colony by Commissary Blair in 1724.<sup>31</sup> The answer to these inquiries shows that the salaries granted by law were in themselves not sufficient because of the cast and collection fees which had to be paid out of them, and that, because the vestry refused to induct the minister, his position and salary was even more precarious. The general tenor of the answers was dissatisfaction because of the vestries' refusal to induct rather than because of the existing situation of the salaries.

The vestries, although empowered to raise the salary prescribed by law for the clergy, had, as we have previously seen, slipped back into their middle 17th century self-perpetuating prerogatives. To meet these conditions, the Assembly tried to force the vestries to care for

<sup>30</sup>

Hawks, op. cit., I, p. 91.

<sup>31</sup>

Perry, op. cit., pp. 261-334. Mr. Forbes of the Upper Parish of the Isle of Wight, on July 21, 1724, answered the inquiry which exemplified the general character of the others, that "living is unequal because of the unequal value of tobacco, the bad method of payment and collection, and when trade is dead our tobacco is sold at half the value set by law;" p. 329.



the church. The preamble to the Act of 1727.<sup>32</sup> "An Act for the better Support of Clergyman and more Regular Collecting and Paying the Parish Levy" indicates the desperation of the situation. Because of disputes, controversies and failures of collectors to collect the levies for the support of the minister the salary was to be 16,000 lbs. of tobacco per annum, "to be levied, assessed, collected and paid to the minister." The Act further stipulated, because of the failure in the vestries in many places to raise such levies,

...that if the vestry of any parish neglect or refuse to levy the tobacco due to the minister, or other parish creditors, or if the collectors fail to collect, then every vestryman and the collectors of each parish, shall be liable to the party grieved for all damages which he shall sustain.<sup>33</sup>

Although the passage of this law was of apparent benefit to the clergy, the evil was left untouched, for the clergy were not secured in the enjoyment of their salaries.<sup>34</sup> It was still optional with the vestries to receive them and they might still refuse to present them for induction. The vestries, when questioned, held that the clergymen were not entitled to the salary advanced by law, since most of them

<sup>32</sup>

Hening, op. cit., IV, Act VI of Feb., 1727, p. 204. The Journal of the House of Burgesses, 1727-34, pp. 34-37, 40, 51, shows the difficulty in the House of the passage of this Law. Hawks, op. cit., p. 114, discusses this further.

<sup>33</sup>

Ibid., IV, p. 206, Act VI of Feb., 1727.



were not inducted. To alleviate such, the Assembly in 1748<sup>35</sup> entitled any "minister received in a parish to all the temporal and spiritual benefits."

During the next fifteen years the most bitter fight between the Assembly and the clergy took place and had a profound effect upon the clergy-vestry relationships. The law of 1698 did not allow for the fluctuation of the price of tobacco nor did it prescribe a reduction in the salaries of the clergy in the event of a failure of the tobacco crop. As the absence of such a clause promised the clergy the same income annually, whether the crops were good or bad, the law was deemed unsatisfactory; after more than fifty years, the Assembly determined to amend it, hoping to distribute the burden resulting from a failure of the tobacco crop upon all residents of the colony.<sup>36</sup> This action was strongly opposed by the clergy, who maintained that their rights as set forth in the Act of 1696 were inviolable, and that the Assembly in amending the Act did so in direct opposition to the Crown.<sup>37</sup> Because of the drought

<sup>35</sup>

Hening, op. cit., VI, p. 90, Act XXXIII of 1748. Reference to Journal of House of Burgesses, Vol. 1748-9, pp. 379-80, 382, 393, 396, 404.

<sup>36</sup>

Journal of the House of Burgesses, Vol. 1761-65, Appendix XXXVIII.

<sup>37</sup>

A revision of the law of 1696 (Hening, op. cit., VI, p. 88, Act XXXIII of Oct. 22, 1748), after much disagreement, was finally in 1748 made in favor of the clergy. This law

[continued]



of the year 1755 the Assembly succeeded in passing an Act which became known as the "Two Penny Act."<sup>38</sup> This Act of 1755<sup>39</sup> made it possible and lawful for debtors to pay all their debts, including taxes, in money at the rate of sixteen shilling and two pence per 100 lbs. of tobacco. This was at the rate of two pence per pound,--hence, the "Two Penny Act." Although this Act was empowered to be in effect "for the space of ten months and no longer," in actuality it remained in common usage. This Act proved very beneficial to the vestries, for as the values of tobacco advanced in the following year, the price did not keep pace with it. The vestries could sell the tobacco collected and

37 [continued]

established the value of inspected tobacco at 16 shillings and 8 pence per hundred pounds. This was 50% in excess of the valuation of tobacco in 1696, when the law fixing the valuation of tobacco in 1696, when the law fixing the clergy's salary of 16,000 lbs. was enacted. It became necessary, therefore, to effect an understanding whereby the annual allowance of the clergy should not exceed in aggregate the actual value placed upon their services by the Act of 1696.

<sup>38</sup>

Journal of House of Burgesses, Vol. 1761-67, Appendix XLII. The passage of this law marked the beginning of the breach between the clergy and the Assembly and gave rise to one of the most important events in the history of Virginia, "as it was an effort to regulate a fluctuating currency, by one acknowledged to be the standard, and only directed the value to be placed on that which had fluctuated, which was in the minds of the parties to the contracts involved, and of the legislature when the public taxes were laid, it was generally admitted to have been right and proper."

<sup>39</sup>

Hening, op. cit., VI, p. 569, Act IV of 1755.



pay off in currency established by law and make a large profit.

The clergy were unwilling to be denied the privilege of collecting their salaries in tobacco and addressed a letter to the Bishop of London, asking that the Act be annulled by the King.<sup>40</sup> The law was again passed in 1758<sup>41</sup> and was to remain in effect for only one year, but actually remained until the Revolution. The clergy petitioned the legislature that the failure of the vestries to pay them in tobacco, at the end of this one-year period, made it impossible for them to support themselves and their families.<sup>42</sup> But the Assembly failed to take action.

The vestries of this period, as we have already seen, had fallen into great corruption and indolence. This "Two Penny Act" served as a further tool in their hands. However, those parishes where the freeholders had had the corrupt vestries dissolved and an election of righteous and God-fearing men in their place stood behind the clergymen in assailing the abuses of the Assembly. The most

<sup>40</sup>

Perry, op. cit., I, p. 440. "The Clergy of Virginia to the Bishop of London," 1758. This letter, signed by ten of the leading clergymen of the colony, pleaded that the law was not only unfair but made their living almost impossible. (pp. 442-6) Separate clergymen in writing made the same appeal.

<sup>41</sup>

Hening, op. cit., VII, p. 240, Act of 1758.

<sup>42</sup>

Hawks, op. cit., I, pp. 116-117.



striking evidence of such is in the outstanding case of the Rev. James Maury<sup>43</sup> of the Parish of Fredericksburg. With the consent and backing of his vestry and in their name, he sued the collectors of the parish levies. On November 5, 1763, the court declared the Acts of 1755 and 1758 null and void, and the full amount of 16,000 lbs. of tobacco was therefore due the clergyman. The lawyer for the collectors and the Assembly was Patrick Henry, who succeeded in having the amount of damage put in the hands of the jury. The court upheld that the jury must return a verdict in favor of the plaintiff, but they need not find more than one farthing damage. After considering the matter for five minutes, the jury returned a verdict in favor of the plaintiff for one penny; and as the court refused to consider a motion for a new trial, one of the greatest cases of colonial times was ended.<sup>44</sup> The clergy did not appeal to the Governor or Assembly, or even to the Bishop of London; and the matter of salaries and the payment of such died, forgotten in the oncoming Revolution.<sup>45</sup> Although the clergy had the support of the Bishop of London,<sup>46</sup> he served only to broaden the gap

<sup>43</sup>

Hawks, op. cit., I, pp. 122-3.

<sup>44</sup>

Journal of House of Burgesses, Vol. 1761-65, Appen. XLVIII.

<sup>45</sup>

Perry, op. cit., I, p. 461.

<sup>46</sup>

The arguments the clergy set forth to maintain their position created intense feeling throughout the colony, and  
[continued]



rather than to heal it. This defeat served not only to divorce the Assembly and the clergy, but in many cases to divorce the clergy from their vestries, and the clergy from the people.

But with all this, there were good relationships existing between the vestries and the clergymen in some of the parishes. In such parishes the vestries and clergy worked in harmony and agreement. In 1766<sup>47</sup> the vestry of Fredrick Parish petitioned the Assembly to be permitted to increase the salary of their minister by a levy of 91 lbs. of tobacco per titheable. The vestry of Elizabeth Parish in the same year petitioned the Assembly to be allowed to pay their clergyman 200 lbs. sterling per year, so that the vicar would not have to worry over the sale of the tobacco.<sup>48</sup> As we shall see in the following chapter, many vestries petitioned the Assembly to be permitted to buy new glebes and to build new parsonages for their ministers. It must be understood in any fair evaluation of the relationships of clergy and vestry during this colonial period that there were both good and bad examples.

46 [continued]

were a prime factor in bringing about the separation of the church and state. The influence exercised by the clergy prior to their attempt to dictate to the Assembly was very marked. Their cause, however, was put to a very severe test at this time, and the defeat administered them by the various juries, to which their causes were submitted was a blow from which they never fully recovered.

<sup>47</sup> Hening, op. cit., VIII, p. 267.

<sup>48</sup> Ibid., VIII, p. 277.



CHAPTER VI

THE GLEBE



## CHAPTER VI

### THE GLEBE

The glebe, a tract of land either granted by the colony, or given by a private land-owner, or purchased by the parish, was to be for the incumbent's pleasure, use, and enjoyment. No Act of the Assembly until the 1650's designated such a law for all parishes, but in instructions existing as early as 1618 we find the glebe designated for the minister's use. The London Company in 1618<sup>1</sup> set aside 100 acres of land in each borough for this purpose. They further provided that six tenants were to be transported to the colony to improve the land, in order that this might serve as a stimulus to encourage ministers to stand the perilous voyage.

Glebes, after the first Assembly of 1619, appear to have been generally 200 acres. There is not legislation

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<sup>1</sup> P. A. Bruce, Institutional History of Virginia, footnote p. 163; quoted from Proceedings of the Virginia Company of London, I, p. 66.

This measure for sending six tenants out to cultivate the glebe was reduced to three in the settlements which could guarantee to furnish three themselves.



that such was required by law, but it was the apparent practice. The Assembly of 1639,<sup>2</sup> in an Act creating Cheshiack Parish, stipulated that the glebeland should be at least 200 acres. The instructions to Governor Berkeley in 1642 and 1650<sup>3</sup> required that every congregation was "to lay 200 acres of gleable land" for the minister's use. It was further stated that the congregation was to build for the minister a "convenient parsonage" and for three years with the aid of their servants to clear and improve the glebe.

During the 1650's many of the parishes began to sell their glebes. The general report is that the land had become unfertile by successive crops. In some cases this proved to be true, but in others it was the pressure brought to bear on the vestries by the large plantation owners which caused the action. The large plantation owners adjoining the parish glebe wanted the land to lengthen their own plantations. To alleviate this situation and to stimulate parishes that had neglected to purchase a glebe, the Assembly of 1655<sup>4</sup> required the parishes to "purchase a glebe and stock it" for their minister's use. For those parishes "destitute of ministers" this was to serve as an encouragement. This

<sup>2</sup> W. W. Hening, Statutes at Large, Laws of Virginia, I, p. 203.

<sup>3</sup> W. S. Perry, Historical Collections, I, pp. 1, 2.

<sup>4</sup> Hening, op. cit., I, p. 399, Act of 1655.



Act held the vestries responsible for the purchase and up-keep of the glebe.

There was very little response on the part of the vestries to this law. As the colony was almost destitute of ministers, the Assembly in 1660<sup>5</sup>—and again in 1661<sup>6</sup>—required the parishes to provide a glebe, a convenient house, and stock. The Act of 1660 stipulated that all the tithables of the parish were to be assessed not only for commodities which were to be used for the purchase of the land, but for cattle and pigs to stock it. Neither of the laws of 1660 and 1661 stated the amount of land to be set aside for the glebe. The instructions to Governor Berkeley by the Bishop of London<sup>7</sup> in 1661 stated that the glebe was to be not less than 100 acres. Again, in the instruction to Governor Culpepper in 1676<sup>8</sup> it was required that "a convenient house be built at common charge for each minister, and 100 acres of land assigned to him for a glebe and the exercise of his industry."

<sup>5</sup>

Henning, op. cit., II, p. 30, Act XXXIV of 1660.

<sup>6</sup>

Ibid., II, p. 45, Act III of 1661.

<sup>7</sup>

Perry, op. cit., I, pp. 1-2; "Instructions to Sir William Berkeley." These regulations, it would appear, were intended to apply only to glebes to be created after these instructions were given.

<sup>8</sup>

Ibid., I, p. 2; "Instructions to Sir Thomas Culpepper."



During this period a great many of the parishes were without ministers. It was only natural for the vestries to assume the task of the care of the glebes. They generally hired agents to cultivate the land. However, as early as 1648<sup>9</sup> the glebe was rented by the vestry. This practice caused serious difficulties later in the 18th century.

The glebes developed slowly, and we have no instances in which they were withheld until the end of the 17th century. There are cases in which no glebes existed or where a glebe existed and there was no house, but the practice of withholding the glebe did not start until the administration of Governor Andros. From 1638 the glebes slowly began to appear and in many cases were supplied with houses, stock and slaves.

During the reign of Governor Andros, through his failure to support the clergy, the vestries became more dictatorial and withheld the glebes and, in certain cases, the salaries, from the clergy. Through the efforts of Commissary Blair, pressure was brought to bear on the Governor, and he appealed to the House of Burgesses to pass a law for the

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<sup>9</sup> Bruce, op. cit., p. 166. In 1648 the glebe of Lower Norfolk Parish was let out to John Norwood. Lower Norfolk Records, Vols. 1646-51, p. 82. In 1685 the glebe of Henrico Parish was leased to Thomas Coche, Jr. Mr. Coche was summoned to court for usurping parish lands, but under the circumstances was not prosecuted, although it was held to be contrary to the laws of the county.



clergy's benefit. The reply in regard to the glebe is very interesting:

...they have glebes, not less than 400 acres in most places and in some nearly twice; they have improved them by planting orchards, laying off pastures, and building fences; all in addition to the ordinary farm houses.<sup>10</sup>

The reply of Commissary Blair and fourteen clergymen at a Convention in Jamestown held on January 25, 1691<sup>11</sup> painted an entirely different picture. They held that in many places there were no glebes, in some places glebes which had not been improved, and in several places the glebe was entirely denied the clergyman because he was not inducted and hence had not any real claim to the temporal benefits of the parish.

The arguments that the vestries and the House advanced were that the ministers did not care for the glebe, and that it was necessary to withhold it from the minister. The vestries held that the ministers were inexperienced in glebe management and caused waste of the land and waste in its administration. Blair himself did not seek to justify these claims; therefore it is evident that evil conditions existed. However, the precariousness of the situation lies in the fact that the vestries refused to induct the minister.

<sup>10</sup>

Journal of the House of Burgesses, Vols. 1696-96, Appen. XVI.

<sup>11</sup>

Ibid., Vols. 1696-97, Appen. XXV.



Because of their probational tenure, the glebe was often uncared for. As the clergyman might, at any moment, have to vacate the parish, there was a general tendency on his part to neglect the care of the glebe. It is evident, however, that in the parishes where the clergyman had the vestry's favor and was himself an energetic man, the glebe was not withheld, and the minister managed the crops and the administration of the glebe much to his own advantage. These simple facts must be understood in all fairness to the vestries and the ministers.

The Act that was finally passed in 1696<sup>12</sup> stated

...that all and every vestry and vestries in this dominion shall be and are hereby authorized and empowered, where the same is not already done, to purchase and lay out a tract of land for a glebe at their discretion, and at the charge of their respective parishes, and likewise to build and erect a convenient dwelling house for the reception and abode of the minister.

The law, however, stipulated that if the vestries of any parish found that they were too poor "to maintain a minister as aforesaid," they were to apply to the Governor for "consolidation with the adjacent parish." This legislation in itself would have alleviated the situation had not the question of induction remained untouched.

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Hening, op. cit., III, p. 152. "An Act for Better Maintenance of the Clergy," Sept. 8, 1696.



There were many petitions to Governor Andros to mend parish disputes over the glebe. The Rev. George Robinson wrote to the Governor in 1695 as follows:<sup>13</sup>

The last time I had the honor to wait upon your excellency I informed you that there was a little controversy between our Vestry and me about our church glebe, to which I claim a peculiar right; they, on the contrary, pretending that only an inducted minister has just title thereto.... There is no great encouragement for Divines of any note or spirit to live here. ...and truly it is not any profit you may accrue to me by this glebe, but I regard the bad precedent this instance will have for other parishes.

It is apparent that when the vestries saw that they could withhold glebes and the governor would do nothing about it, many immediately began the practice.

It is apparent that the withholding of the glebe did not occur until this period of Governor Andros' administration. Blair's memorial letter on Governor Andros as no real friend of the clergy says, "Never before this government were glebes denied the minister."<sup>14</sup> The vestry of Henrico Parish withheld the glebe from their minister, the Rev. Mr. Robinson, telling him the glebe belonged "of right to no man but an inducted minister" and vowed they would

<sup>13</sup>

W. P. Palmer, Calendar of Virginia State Papers and Other Manuscripts, p. 49.

<sup>14</sup>

Perry, op. cit., I, pp. 32-6: "Sir E. Andros no real friend of the Clergy," by J. Blair.



never have one.<sup>15</sup> This situation is further seen in Dr. Blair's "Memorial Concerning Sir Edmund Andros."<sup>16</sup> In his time the vestry had begun in several places to withhold glebes from the minister under the pretense that the glebe was due to none but an inducted minister.

The best and fairest view of the situation can be found in the analysis of the answers given to the inquiries of 1724<sup>17</sup> which Commissary Blair sent to the clergy of the colony. After a study of these answers, it is evident that the situation was not as dark as painted by the clergy a few years prior. Only in two or three places were glebes lacking. In several instances the glebes were so poor that the ministers could not use them. The Rev. John Brunshill of Wilmington Parish, answering the inquiries, states:

...our vestries having a discretionary power in all things relating to the glebes, do sometimes purchase very disadvantageously for the minister. Hence was the glebe of this parish so bad and inconvenient that I cannot occupy it; 'tis let by the year to a poor man for tobacco of about 40 shillings value.<sup>18</sup>

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<sup>15</sup> Perry, op. cit., I, p. 35. These cases, being referred to the Governor, were disregarded by him.

<sup>16</sup> Ibid., I, pp. 10-15; "A Memorial Concerning Sir Edmund Andros, Governor of Virginia," by Dr. Blair.

<sup>17</sup> Ibid., I, pp. 261-318.

<sup>18</sup> Ibid., I, p. 279.



He further states that the glebe house was "a cottage containing one ground room and a garret above." There were several cases in which parsonages were not provided, as in the case of Blissland Parish.<sup>19</sup>

The majority of the ministers reported large glebes ranging from 200 to 1500 acres with houses. They further reported, in the majority of the cases, that the care and repairs of the glebe were provided for by the parish. John Dell of Hunger Parish reported a good house and 1500 acres of excellent land.<sup>20</sup> John Shaife of Newport Parish reported a very good house and a large glebe which the parish equipped and cared for.<sup>21</sup> John Bagge of St. Annes Parish reported: "I have a house and glebe and servants, and I keep slaves to occupy the same, but live on my own plantation in the parish."<sup>22</sup> From these replies we find the situation as a whole quite favorable; and as they are the written replies of the individual clergymen, we have no reason to discredit their validity. The only discouraging note was the precariousness of their living because of the refusal of the vestries to induct. It is interesting to

<sup>19</sup>

Perry, op. cit., I, p. 280.

<sup>20</sup>

Ibid., I, p. 272.

<sup>21</sup>

Ibid., I, p. 277.

<sup>22</sup>

Ibid., I, p. 317.



note that the Rev. Mr. Forbes of the upper parish of the Isle of Wight makes the picture very drastic.<sup>23</sup> It appears that he did have a beastly time with his vestry, which accounts for his sourness and this statement: "some parishes, have glebes, others very mean glebes, and others none." In viewing this period the mind of the individual must view each side without prejudice, for there existed situations both good and bad.<sup>24</sup>

It is possible that all the inquiries which Mr. Blair sent out were not returned. And those which were not returned might have painted a very dark picture. However, there could have been only a very few missing from the number which we have.

The Assembly of 1727<sup>25</sup> passed an Act requiring:

...where good and convenient glebes are not already purchased--200 acres at least are to be purchased by the vestry for a glebe for the use of the minister and his successors in all times hereafter; vestries are authorized to erect a house....

<sup>23</sup>

Perry, op. cit., I, p. 330.

<sup>24</sup>

E. Ingle, Institutions of Colonial Virginia, p. 61. Dr. Ingle says that Dr. Meade, in his book Old Churches and Old Families of Virginia, gives many evidences of vestries and ministers working in harmony. It is Dr. Meade's view that the vestries generally kept the glebe well stocked and in good order. Dr. Ingle insists that the clergyman either ruined the ground by successive crops so that a new glebe had to be purchased, or allowed the whole property to go to ruin.

<sup>25</sup>

Henning, op. cit., IV, p. 207; "Act for the Better Support of Clergy," Feb. 1, 1727.



It is evident that there were some parishes without glebes, or such a law would not have been enacted. It was further required by Act 12 of this law that the "vestries were to keep the building and glebe in good repair during vacancy and to repair the glebe and house before reception of the succeeding minister."<sup>26</sup> This was the first mention by law that at least 200 acres of land were to comprise the glebe.<sup>27</sup> This was again required by the law of 1748 with the further stipulation: "There shall be erected and built on such glebes, one convenient mansion house, a kitchen, barn, stable-dairy, meat-house, and corn-house and a garden well fenced."<sup>28</sup> This Act of 1748 to guarantee the use of such by the minister stated that any minister received, not inducted, should be entitled to all the privileges of the parish both temporal and spiritual.<sup>29</sup>

The immediate cause of such legislation apparently lay in the case of the Rev. Mr. Kay of Lunenberry Parish.<sup>30</sup> The vestry of the said parish leased the glebe contrary to

<sup>26</sup>Hening, op. cit., IV, p. 208, Act XII of 1727.<sup>27</sup>F. L. Hawks, Contributions to the Ecclesiastical History of the U.S.A., p. 86, states that at a survey of all glebe land in 1722 the average for most of the parishes was 250 acres.<sup>28</sup>Hening, op. cit., VI, p. 89, Act 34 of 1748.<sup>29</sup>Ibid., VI, p. 90, Act 33 of 1748.<sup>30</sup>Hawks, op. cit., pp. 114-15.



the wishes of Mr. Kay. Mr. Kay brought an action of trespass against the intruder. The case was heard at the general court. One point only was used for the case: "whether the bare 'reception' of a minister by the vestry would enable the minister to maintain an action against one who entered on the glebe lands by order of the vestry."<sup>31</sup> The judgment was rendered in favor of Mr. Kay. However, the court was divided, and the issue had raised such unpleasant excitement throughout the colony that the Assembly, then in session, "to prevent prejudice against religion by recurrence of a similar difficulty"<sup>32</sup> enacted the said legislation of 1748.

It is apparent from Acts of the Assembly from the beginning of the 1730's that there was a general trend on the part of the vestries for the betterment of the glebes. There are limitless petitions to the Assembly on the part of the vestries to sell the old glebes and purchase new ones, or to sell part of the glebe so as to build a better house for the minister.<sup>33</sup> The vestries of Elizabeth River Parish and St. Stephen's Parish in 1734 bought new glebes and the vestries and the ministers petitioned the Assembly for

<sup>31</sup>

Perry, op. cit., I, pp. 386-93; letters regarding the case.

<sup>32</sup>

Hawks, op. cit., p. 115.

<sup>33</sup>

Journals of the House of Burgesses, Vols. 1732-65, and Hening, op. cit., Statutes 1734-67, present numerous cases of such action.



permission to sell the old glebes and to use the money for parochial use and the purchase of slaves to be placed upon the new glebes.<sup>34</sup> In 1745<sup>35</sup> the vestry of Hungar's Parish petitioned the Assembly to vest in trustees 87 acres of their glebe land to be sold. The money was to be used in building a better house on the remaining 1600 acres of the glebe and in purchasing slaves for the cultivation of the glebe. In 1752<sup>36</sup> the vestry and minister of Upper Nansesmond Parish petitioned the Assembly for the right to sell part of their glebe so as to construct a house for the poor of their parish. In 1761<sup>37</sup> the vestry of Hanover Parish petitioned the Assembly for permission to sell their inconvenient and poor glebe and to purchase a better one for the use of their minister. These are just a few examples of the process which was taking place during this period. We must not forget, however, that many of these vestries were dissolved for illegal dealings in regard to selling the glebes and raising levies to build parsonages and churches. However, the general tendency during this period was to secure more firmly the position of the minister in regard to his living and to dissolve those vestries which were illegal and acted illegally.

<sup>34</sup> Hening, op. cit., IV, pp. 440-42, Act 19 of 1734.

<sup>35</sup> Ibid., V, pp. 390-91, Act 27 of 1745.

<sup>36</sup> Ibid., VI, p. 267, Act 25 of 1752.

<sup>37</sup> Journal of House of Burgesses, Vols. 1761-65, pp. 11-12.



## CHAPTER VII

### INDUCTION



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### INDUCTION

"The bad character of the clergy had a great deal to do in fomenting and keeping alive, from 1662 to the outbreak of the revolution, a dispute about the right of presenting ministers to vacant parishes."<sup>1</sup> This and like statements express the general impressions given by the induction controversy. If we approach induction from this view, we not only do injustice to the clergy but to the controversy. It is necessary, therefore, to view the system and the circumstances surrounding it.

By an Act of the Assembly of 1642<sup>2</sup> the vestries were granted the power to choose and elect their own ministers and to present them to the Governor to be inducted into the parish. In England the system was much different. The vestries did not choose and present a minister. The system of patronage was used. This system of patronage was exercised

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<sup>1</sup>

E. Ingle, Local Institutions of Virginia, p. 58.

<sup>2</sup>

W. W. Hening, Statutes at Large, Laws of Virginia, I, p. 241, Act of 1642.



not only by individual patrons but patrons in the form of a university or corporation. In Virginia it was impossible for such a system to be used, and the impossibility of its use naturally put the patronage of the minister in the hands of the parishioners in the form of their vestries. These vestries, composed of the most powerful, most prominent, and most influential citizens, zealous of the authority which they possessed, naturally would try to exercise it to an even greater extent. The vestries, wishing to maintain their exalted position, gradually adopted the hiring of the clergyman year by year.

The clergyman coming to the colonies found a system entirely foreign to him. The clergyman, accustomed to the system of patronage in England, found it very difficult to make adjustment. It is no wonder that the ministers, steeped in the traditions of the Church of England, were discouraged. They found themselves not only in physical surroundings which were entirely alien to them, but also working under a system which they could not understand. This fact must be kept in mind if the situation is to be viewed with any clarity at all. It is my endeavor not to uphold either the clergy or vestry but to present the situation fairly. It is unfair to yell plebian junta to the vestries, as some historians have done, without viewing the situations out of which such accusations were made possible. In like manner, it is just as wrong to throw the blame on the bad



character of the clergy without trying to understand the system which caused such aspersions to be cast. I feel certain that the cause lies in the granting of such great power to the vestry and the failure of the clergy to understand the situation in which they were working. The almost utter ruin of the church was the result. Blair's<sup>3</sup> observations no doubt are correct when he accuses the tenure system of discouraging superior men from coming to the colony, and of causing those who did come to become mean and mercenary. It is understandable how such conditions would diminish a minister's chance of marriage with the better families and cause him to neglect his glebe and his work. In the system, then, we must conclude lies the error and not in the vestries or the clergy. If the colony could have produced its own clergy, raised in the tenure system, an entirely different picture probably would have been presented to us, and if the colony could have had episcopal supervision perhaps the clergy would have taken their positions more seriously.

By the Act of 1642<sup>4</sup> a minister, once inducted, held his tenure for life. He could be removed only by an Act of the Assembly. He could be suspended, pending an

<sup>3</sup>

W. S. Perry, History of the American Episcopal Church, pp. 11-15; "Memorial Concerning Governor Andros."

<sup>4</sup>

Hening, op. cit., I, p. 242, Act of 1642.



investigation by the Governor and Council, but could not legally be removed until the Assembly stipulated such by law. Without induction, the minister was held to possess no title to his living, but was at any time liable to be removed. Power of removal lay in the pleasure of the vestry, without trial or even charge of crimes.<sup>5</sup> Under these circumstances, there were but few of the clergy who could feel their tenure was permanent, for there were only a very few who could prevail upon their vestries to present them to the Governor for induction; and as the 18th century approached these cases of inducted minister became fewer and fewer.

Prior to the legislation of 1642 the general method of receiving a minister was by the majority vote of the meeting of the parishioner. This method was replaced in 1642 by presentment and induction. This same stipulation was again granted in the legislation of 1662.<sup>6</sup>

For our clarification, let us look at the meaning of induction. The vestries received a minister into their parish. If he proved satisfactory, with the vote of the

<sup>5</sup>

F. L. Hawks, Contributions to the Ecclesiastical History of the U. S. A., I, p. 88.

<sup>6</sup>

Perry, op. cit., p. 13; "A Memorial Concerning Governor Andros." Blair at this point of his commissariat is hurling accusations at the Governor, who has neglected the church. Later, under the rule of Governor Spotswood, he changes his views, holding that the Governor has the right only to fill lapsed parishes.



majority of the vestry, they presented him to the governor. The governor then formally received and presented him to the parish, or inducted him. If the clergyman was not inducted, he remained a hired divine, for he had no legal right to the administration of the parish. However, there are numerous cases which show that even when the clergyman was not inducted, nevertheless he enjoyed all the benefits and privileges of an inducted minister. However, the uncertainty was very disturbing. From the point of view of a clergyman raised in the Established Church in England, this situation must have been unbearable, especially in the cases of domineering vestries.

From the close of the 17th century to the 1750's the induction controversy produced the foremost attacks and discussions within the colony. During the governorship of Edmund Andros the vestries began withholding the glebes and the salaries which were stipulated by law. They held that the temporal benefits of a parish were due only to ministers who had been inducted. Commissary Blair, in pushing the argument, held that by the King's instructions the Governor had the right both to present and induct if the vestries failed in their duty of presenting. However, Blair changed his position a little during the governorship of Spottswood. The induction controversy which then took place was as to whether patronage was invested solely in the vestries or also in the Governor as representative of the King.



In 1703 Robert Quarry,<sup>7</sup> writing to the Bishop of London, exhorted the Bishop to give the Governor more complete instructions. He states that there have been no instructions, as yet, as to the exact measures a governor shall take to enforce induction. This, to me, is the most vital question in the whole situation, and the point which was usually forgotten, being lost in the struggle over patronage.

Governor Andros in 1697 was succeeded by Governor Nicholson. The latter, having pressure brought to bear upon him from England, threatened several vestries by collation if they failed to receive ministers. During his administration no benefices were collated, but by his threats to do so he obtained induction for a few clergymen. He based his right to such action on the advice given him by the Attorney General of England, Sir Edward Northe<sup>8</sup>y. In 1703 the Attorney General writes concerning Induction:

The right of presentation to the churches is subject to the Laws of England [there being no express law of the plantation made further concerning the same]. If the parishioners do not present a minister to the Governor within six months after any church shall become vacant,

<sup>7</sup>

Perry, op. cit., I, pp. 85-7; "Colonel Quarry to the Lord Bishop of London," Act 15, 1703.

<sup>8</sup>

Ibid., I, pp. 127-8; "Sir Edward Northe<sup>y</sup>'s Opinion Concerning Induction of Ministers in Virginia," January 29, 1703.



the Governor shall and may collate to such church by lapse, and his collatee shall hold the church for life. If the parishioners have never presented, they have a reasonable time to do so; but if they will not present, though required to do so, the Governor may also in their default collate a minister.

It is apparent that some right of collation belonged to the governor as the representative of the King. However, we must remember that for fifty years no such methods had been used. Secondly, we must remember that Virginia was not England. The people, having exercised the right of patronage for this length of time, would go to any length to keep it. It is apparent again that it is the system which is the cause of the dispute and not directly the vestries or the clergy.

Governor Nicholson was succeeded in 1703 by Governor Spottswood. Spottswood was a man jealous of his position and his prerogatives as the King's representative. He had in his instructions the following power:

And we do further give and grant unto you full power and authority to collate any person or persons to any churches, chapels or other Ecclesiastical Benefices within our colony as often as the same shall be void.<sup>9</sup>

The Governor, referring such instructions to his Council, was advised by the Council that the right of presenting ministers was a royal prerogative and he, as the representative of the Crown, had only the right of collation. The

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<sup>9</sup> Perry, op. cit., I, p. 244.



Council further held that if the Acts of 1642 and 1662 superseded such prerogatives of the King, they were automatically invalid, for only the Parliament of England could take away the King's prerogatives.

Commissary Blair challenged the right of Governor Spottswood to collate benefices, holding that solicitation for the same was solely in the hands of the vestry.<sup>10</sup> Blair bases his argument on what is meant by collation: whether collation is to be from the power of the King to bestow livings, of which he himself is patron; or whether it is a power such as the Bishop of London has to collate to livings that fall into his hands by lapse. Blair argued that he has always understood it to be the latter, while the Governor felt it to be the former.<sup>11</sup> He further argued that the vestries had always held the right or presentment and the right of collation had only been used in the case of a lapsed parish.<sup>12</sup> The governor gave many arguments for his stand. He based his real claim on the fact that he had instructions from the King that upon removal of a minister

<sup>10</sup>

Perry, *op. cit.*, I, pp. 226-233; "An Answer to the Accusations in the Governor's Letter to the Convocation."

<sup>11</sup>

We must also take into consideration the fact that the Governor doubted the regularities of Blair's ordination and his authority to send a minister to a parish without first consulting him.

<sup>12</sup>

The arguments Blair advanced can be found in Perry, *op. cit.*, pp. 226-7.



he was to fill the vacancy immediately without waiting the six months, as is required by English law. He further argued that he had the right to remove one man and put another in his place. He quoted the 93rd article of his instructions from the King:

If any person already preferred shall appeal to you to give scandal either by his doctrine or manners, you are to use the best means for the removal of him, and to supply the vacancy in such a manner, as his majesty has directed.<sup>13</sup>

Blair argued that the Governor had assumed the right of patronage which belonged only to the King, and the instructions meant that he had the right only to collate parishes which had not ministers and refused to receive any. Blair bases his authority on his presence at the meeting of the Lords of Trade with the Bishop of London in England. He held that they had intended to provide ministers only to parishes which were without any. He further cites Sir Edward Northeys interpretation that collation was to be used only in parishes which for six months had remained vacant.

The Governor, assuming the right of patronage, insisted on using it. He established against the will of the people a few clergymen, by collation, into parishes.

<sup>13</sup>

Perry, op. cit.; referred to in "Mr. Commissary's Remarks on the Governor's Letter to the Parish of St. Anne's," p. 242, and quoted in full in "The Opinions of the Council," p. 244.



Commissary Blair appointed a Mr. Bagge to officiate at St. Anne's Parish. The Governor, disregarding Mr. Blair's action, refused to induct Mr. Bagge and sent a Mr. Ransford to relieve him. The question was raised as to Blair's right to appoint a man to a vacant parish. Blair argued that "the power of collating to Benefices in Virginia is expressly excepted out of the Bishop of London's Jurisdiction and by him also excepted in his commission to his Commissary."<sup>14</sup> Nevertheless, Mr. Bagge was removed and Mr. Ransford substituted in his place. The Governor exerted his power of removing a man who was unfit as required in Article 93 of his instructions.<sup>15</sup>

The overruling of the vestries was challenged by a Robert Raymond,<sup>16</sup> who held that the laws of Virginia gave

14

Perry, op. cit., I, pp. 234-42; "Mr. Commissary's remarks on the Governor's Letter to the Parish of St. Anne's, relation to Collations; which he promised the Convention to Answer."

In all fairness to the Governor we must say that the jurisdiction of the Bishop of London was often questioned. It has never been learned how he assumed such jurisdiction. By the time of Blair he has assumed complete charge of the religious affairs of the colony of Virginia.

15

In this argument we must recognize that the Governor and the Commissary were bitter enemies and probably let this enmity stand before their better judgment. We have no evidence that Mr. Bagge was an unfit man. Probably, the Governor wanted to show the Commissary that he held the authority.

16

Perry, op. cit., I, pp. 197-8; "The Case of the Vestries in Virginia," by Robert Raymond, Nov. 17, 1718.

He assumed that the right of collation was not given by the government of England. He felt sure that no commission would give a power to the governor to collate a vacant benefice against the will of the vestry or contrary to their right.



the right of presentment to the several vestries, and that the use of Collation was a deliberate attempt to affront the established laws of the land. As the clergy became more and more aroused over the issue, they petitioned the Council to settle the matter. The main issue was whether the King's prerogative of collation was abridged by the Acts of 1642 and 1662, which gave the right of presentment to the vestries. Further issues were whether presentment lay only with the vestries, or with the governor through collation, and whether the vestries could take a clergyman without license from the Governor (in view of the case of Mr. Bagge at St. Anne's Parish).<sup>17</sup> The Council replied in two letters and failed to answer all the questions, merely stating that the King's right of collation and the Governor's power of representing the King remained untouched by the Laws of the Assembly of the colony. The first letter reads:

March 5, 1719<sup>18</sup>

I do not apprehend that the act entitled "Ministers to be Inducted" has taken away that power and right vested by His Majesty in the Governor to collate to Benefices. The words of the act are only that he be

<sup>17</sup>

Perry, op. cit., I, pp. 243-5; "The Opinion of the Council that the King's Right of Collation to Benefices, and through Him the Governor, remains untouched; and the right is not in the Vestries."

<sup>18</sup>

Perry, op. cit., p. 245.



requested to induct a minister where the parish recommends him and the King's right cannot be taken away by any such words. The King has the Ecclesiastical Jurisdiction, in him, over the plantation, if he has not parted with it to the Bishop of London in this particular, as it seems he has not.<sup>19</sup> The Governor by the authority transferred to him may exercise his right, and I conceive the vestries have no pretensions to it by that act or any other.<sup>20</sup>

Signed, William Thompson.

The issue of collation was never settled. This letter of the Council silenced the quarrel for the moment, and with Blair's death in 1724 the controversy and the use of collation gradually disappeared. However, the vestries refused to induct; and it is evident that such action as took place during Governor Spottswood's administration made them more determined in their stand.

It is interesting to note that the Bishop of London, himself, appealed to the King in 1724,<sup>21</sup> to relieve the situation in which vestries refused to induct and to extend the time for collation from six to eighteen months,

<sup>19</sup>

The Bishop of London's jurisdiction was never certain.

<sup>20</sup>

We must take into account that the Council possibly was the tool of the Governor, and hence the decision in favor of the Governor to the utter exclusion of the vestries.

<sup>21</sup>

Perry, op. cit., pp. 345-6; "Petition of Edmund Bishop of London to the King."

"Because of the precariousness of the clergyman by the neglect of the parishes to induct and the failure of the Governor to collate...order that...persons who have the right of presentation in the colony and fail to present...that the governor shall collate and induct a duly qualified clerk into every such parish."



because it was impossible to send men to the colony in so short a time. It is apparent from this letter that the Bishop of London had no authority to fill vacant parishes and that he recognized the right of presentment to be in the vestries and the use of collation in parishes which failed to present men.<sup>22</sup>

Whether the right of presentment lay in the vestries or in the Governor was never settled. The right of collation was given to succeeding governors but was never exercised. Commissary Dawson, writing to the Bishop of London in 1751,<sup>23</sup> clearly summarizes the situation:

The Governor and Commissary usually recommend a minister to the churchwardens and the vestry. There are many cases of ministers being admitted without this recommendation. As to patronage, it is still undetermined whether the Governor or the vestries have the right.

Mr. Dawson quotes the Laws of Virginia, which state that presentation shall remain with the vestries for twelve months after vacancy.<sup>24</sup> He asks the Bishop of London to

<sup>22</sup>

It is apparent from this letter that Blair was correct in his view that collation was to be used only in parishes which had been vacant for six months and did not pertain to patronage as Gov. Spottswood understood it.

<sup>23</sup>

Perry, op. cit., pp. 377-81; "Mr. Dawson to the Bishop of London," July 15, 1751.

<sup>24</sup>

Hening, op. cit., VI, p. 99, Act 33 of 1748; "Induction-Right of Presentation Declared Limited."

"Whereas it is doubted how long the right of presentation of a minister to a parish remains in the vestry in this

[continued]



explain, not how long the governor has to wait before collating, but who has the right of presenting and inducting.

The matter was again brought before the Bishop of London in 1752,<sup>25</sup> when two vestries refused to receive the clergymen sent to them by the Governor and the Commissary. However, nothing was really done about the situation. The fight of the clergy for salaries and against the "Two Penny Act" of 1755 and 1758 caused the induction controversy to be cast aside.

The answers to the inquiries of Commissary Blair in 1724<sup>26</sup> showed that only four men had been inducted in Virginia. Their general complaint was the precariousness and uncertainty of their living because of the refusal of the vestries to present them for induction. The Rev. Mr. Bagg of St. Anne's Parish, answering the inquiry, states that:

24 [continued]

colony, for settling this matter be it further enacted that the sole right of presentation shall be and remain in the several vestries for and during the term of 12 months next after vacancy shall happen in their parish."

<sup>25</sup>

Perry, op. cit., I, pp. 383-96; "Governor Dinwiddie to the Bishop of London."

The governors (except in the case of Spottswood and Nicholson) feared the vestries and refused to push the issue of receiving and inducting ministers.

<sup>26</sup>

Ibid., I, pp. 261-334; "Queries to be Answered by Every Minister," by James Blair, 1724.



...the refusal to induct generally is the temper of our vestrymen; and upon the least prejudice conceived by a vestryman, he raises such a party in the vestry that he makes the incumbent uneasy or secures his removal, or keeps his salary from being paid, or obliges him to quit the parish and solicit for another.<sup>27</sup>

In the preceding chapters we have already seen the existence of good relations between the vestry and the clergy, but the general character of the induction controversy made for bad relationships. However, the vestry of Christ Church Parish in 1726<sup>28</sup> wrote to the Bishop of London on behalf of their clergyman, who had to return to England. They implored the Bishop to find the gentleman a new cure in England and highly praised his character and work and gave their sincere regrets that he had to leave them.

The Rev. Mr. Carter, on behalf of the clergy, presented a petition to Assembly on August 24, 1748<sup>29</sup> to explain and amend the Act of 1642 on the induction of clergymen. This petition, along with the excitement which the case of Rev. Mr. Kay<sup>30</sup> caused, influenced the Assembly to pass in

<sup>27</sup>

Perry, op. cit., I, pp. 313-318; "St. Anne's Parish."

<sup>28</sup>

Ibid., I, p. 349; "The Members of Christ Church to the Right Reverend Father in God Edmund Lord Bishop of London," April 12, 1726.

<sup>29</sup>

Journal of House of Burgesses, Vols. 1748-49, pp. 375-6, April 24, 1748.

<sup>30</sup>

The case of the Rev. Mr. Kay is explained in the chapter on the Glebe.



1748<sup>31</sup> an Act for "Better Support of the Clergyman and Clergyman's Rights." The Act reads:

...every minister received into any parish shall be entitled to all the spiritual and temporal benefits of his parish and may maintain action against any person or persons, whatsoever, who shall disturb him in the possession and enjoyment thereof.

This Act gave to all ministers the right to their living. From this time to the Revolution, the minister had the right of appealing to the courts if the glebe or his salary were withheld. By the several vestries withholding the glebe and salaries from the clergymen within the next few years and the courts favoring the clergymen, because of the legislation of 1748, we see that induction was no longer necessary, for any minister received in a parish was entitled to all the spiritual and temporal benefits of the parish, whether he were inducted or not.<sup>32</sup> This is the first and only legislation which was secured for the clergyman against the caprice of his vestry. It certainly was not intended to prevent the removal of clergymen whose conduct was improper. It is lamented that such legislation did not come at an earlier date.<sup>33</sup> As it was, it came too late to

<sup>31</sup>

Hening, op. cit., VI, p. 90, Act 33 of 1748.

<sup>32</sup>

Such action is referred to in Perry, op. cit., I, pp. 386-8, "Mr. Camm to the Bishop of London;" pp. 389-93, Mr. Kay to the Bishop of London," 1752; p. 403, "Mr. Thorpe to the Bishop of London," 1752.

<sup>33</sup>

Hawks, op. cit., p. 114.



remedy an evil which for years had been operating to prevent the best men from seeking clerical employment in the colony.

It must be recognized that some of the vestries were controlled by the Governor and carried out his wishes without argument. The majority, however, were so steadfast in maintaining their rights that they preferred to employ lay-readers and often turned away worthy men for fear of yielding to induction. One vestry<sup>34</sup> objected to a minister who had faithfully fulfilled his duties for many years because of a small tang of French which rendered his speech unintelligible in the pulpit but which was no impediment to their understanding him when he asked them, as a test, to drink with him.<sup>35</sup> It is apparent from such situations that the vestries, fearful lest they be forced to induct, turned ministers away who were worthy and well adapted for the position.

The general procedure for the governor in placing a man in a parish was to send a letter, as follows, to the vestry:

Williamsburg, April 26th, 1745.  
Gentlemen:  
As your parish is without a minister,  
I recommend to your approbation and choice

<sup>34</sup>

Hawks, op. cit., p. 91.

<sup>35</sup>

Ingle, op. cit., p. 60.



the Rev. Mr. Scott, who in my opinion is a man of discretion, understanding and integrity and in every way qualified to discharge the sacred office to your satisfaction.

I am your affectionate friend and humble servant,  
William Gooch.<sup>36</sup>

It was the usual practice that when a parish became vacant the Governor and Commissary wrote commendatory letters to the vestry. Generally the minister was received into the parish and remained as long as he pleased the vestry and the people.<sup>37</sup>

The vestries argued that the bad character of many of the ministers made it impossible for them to grant more than a year's tenure. This we have seen was an excuse to retain the administration of the parish within their own body. The ambitious clergy, on the other hand, refused to come to Virginia because their aspirations for advancement under such a system were stifled. If, however, a clergyman gained the respect of his vestry and parishioners, we have no reason to doubt that with skilful management of his glebe he could have been as well off as if he had been in a parish in England.

<sup>36</sup>

Ingle, op. cit., p. 59; quoted from Meade, Old Churches and Old Families in Virginia, II, p. 208.

<sup>37</sup>

Hawks, op. cit., I, p. 97.



The induction controversy was a bitter fight and in actuality was never settled. Some of the vestries accepted the right of the Governor to collate to vacant parishes; but the majority, zealous of their rights, fought bitterly to keep such ministers out of their parishes. The right of collation did anything but help the cause of the clergymen. It made the vestries more suspicious of the clergy and more determined not to induct. The looseness of centralized authority over the clergy and the lack of episcopal supervision in many cases gave such freedom to the clergymen that the failure to induct served a purpose which was not intended. It kept the clergy on their toes, checked indolence, immorality, and laziness. However, we cannot justify the failure to induct by such statements. On the other hand, the precariousness of tenure by which the clergy held their livings often contributed to their spirit of indifference in the discharge of their duties. But it is to the system that the blame must go, and not to any individual circumstances arising out of the system.



## CHAPTER VIII

### SUMMARY AND CONCLUSIONS



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The vestries in England grew gradually out of meetings held in the "vestarium" or vestment room for the discussion of matters pertaining to the parish. There were two types of vestry: the general and the select. The general vestries included the whole congregation and the select a certain number elected from the larger group to administer to the parish. Vestries generally came into use in England during the 14th century. The office of churchwarden dates back to the 13th century. The wardens were the overseers of the poor and kept the church account book. Two wardens were elected by the mutual consent of the vestry and minister.

The parish system was laid out in the colony of Virginia on the same lines as in England. The earliest parishes were generally laid out on the same boundaries as the old plantations. As the colony developed, these larger parishes were divided to meet the existing needs. The parish in Virginia was the local unit for the administration of the religious affairs and the promotion of the moral health of the community.



The select vestry system was introduced into Virginia from England. These vestries, however, were granted more power than their ancestor vestries in England. Vestries are mentioned as existing in Virginia as early as the 1630's. However, we can assume that their prototype existed as early as 1611. By the middle of the 17th century, the vestries were in general use through legislation of the Assembly. The patronage system which existed in England found no means of being introduced in the colony. Hence, we see the vestries as early as 1642 being given the right of selecting a minister and of presenting him to the Governor for induction. Because of this one fact, the clergyman's position remained uncertain until the Church was disestablished after the Revolution. The vestries were composed of the wealthy and leading citizens of the parish. The vestries, becoming zealous of their powers, prestige, and influence, laxed into a form of self-perpetuation to maintain this control. In view of such a situation, in 1660 it was stipulated by law that a vestry was to be composed of only twelve men, and these men were to be elected every three years. Despite this legislation, irregularities existed in many vestries up to the Revolution. The growth of the vestry's power was gradual; and as they received more power, they became more zealous to exercise this authority, even to the utter exclusion of the people and the minister.



The vestry was required to lay the parish levy for the paying of the minister's salary, the building and repairing of the church, the care of the poor, and for the managing of parochial affairs. They generally met twice a year, in the Easter season and in the fall. They elected the churchwardens during the Easter meeting and drew up the parish levy in the fall. The vestries were required to apportion the levy among the tithables of the parish and to appoint collectors. During the 17th century the churchwardens were generally appointed for this purpose. By the close of the 17th century, the wardens had ceased serving in this capacity. After 1676 it was the general practice for six of the freeholders to sit in with the vestry during the apportioning of the levy. The vestry had the power to exempt the poor of the parish. The care of the poor assumed one of the major duties of the vestry throughout the whole of the colonial period. The vestry was required to apprentice all children whose parents could not properly feed or educate them. Because of the desperate situation created by the failure of crops in 1755, the vestries were instructed to build work-houses within the parish to provide for the needs of the poor. The most important duty of the vestry was to choose and present a minister. This situation gave rise to the greatest controversy of the Church's life within the colony. The judicial functions of the



vestry was the keeping and investigating of the parish morals. They were empowered by law to punish cases of immorality by heavy fines. We can summarize the general duties of the vestry in colonial Virginia as follows:

(1) The appointment of the clergyman. (2) The investigation of immorality and the punishment thereof. (3) The laying of the parish levy. (4) The care of the poor. (5) The administration of the parish. During the early part of the 18th century, the vestries became very dictatorial and generally made the life of the clergyman quite unbearable. They refused to induct the minister and often withheld his glebe and his salary. From the 1730's the influence of the vestry gradually waned because of their illegal operations and the demand of the people for their dissolution.

The first duty prescribed by law for the minister was the keeping of a parish register. This function was transferred to the vestry in 1657, and back again to the minister in 1661. With the rise of the dictatorial vestries at the close of the 17th century, a heated controversy sprang up as to who was entitled to keep the book. During the long vacancy of parishes, the keeping of the register naturally had fallen into the hands of the vestry; and having performed this duty, they were reluctant to give it up. The issue was settled in 1705 when the Assembly, to settle numerous controversies, decided in favor of the minister.



By this legislation, all of the fees for registering baptisms, marriages and burials were to go to the minister. The minister was required by law to teach the children residing in his parish the Ten Commandments, the Catechism, the Lord's Prayer, and the Articles of Belief. He was also charged by law to attend and comfort the sick and to administer the Holy Communion three times a year. Visitation by the minister was often very fatiguing and hazardous. The great size of the parishes, with their scattered populations made visitations in the winter months difficult and almost impossible. The clergy were under strict supervision by their vestries and parishioners. The refusal on the part of the vestries to induct, and the yearly tenure under which they served, made their living difficult and uncertain. Often vestries forced their minister to leave in order to satisfy their own fancy. It was impossible for the clergyman to speak with prophetic tongue for fear of incurring the displeasure of a parishioner and of being dismissed. The clergyman's parish relationships were often very strained because he was only a "hired divine." The clergy coming to the colony found a situation entirely foreign to the traditions of the English Church. Because of the precariousness of their living and the existing system of government, it was difficult to get the best men to migrate. Many of the men were incapable of making the adjustment necessary



in the crude and unorganized colony. Many cases show the immorality of the clergy. Some of the crimes which caused removal seem to us today to have been very trivial; but there were too many, in proportion to the small number of clergy, who were removed for drunkenness and immoral actions. It is evident that the majority of the clergy were of high caliber and fulfilled their duties as best they could. The instances of immorality served only to darken the characters and good work of the majority. Because of the lack of episcopal supervision and ecclesiastical censure, many of the clergy escaped punishment and suppression of their abuses. It is to the ecclesiastical system that we must direct our accusations, and not so much to the individual offenders under the system.

From the earliest period of the colony, provision was made for the remuneration of the clergy. During the first half of the 17th century, adequate provisions were made for the support of the minister. Each titheable had to pay in corn, tobacco, and stock. These commodities were usually gathered by the churchwardens for the minister. As early as 1630 we find evidences of failure on the part of the parishioners to pay the tithes. The general arguments advanced by the people were that their crops were too poor and the manner of collecting too uncertain for them to meet the levy. The vestries as early as 1646 were given the power of increasing or decreasing the minister's salary, according



to the ability of the parish to pay. Once having such a prerogative, they refused to give it up, although the arguments advanced took different forms. The general tithe was 10 lbs. of tobacco and 1 bushel of corn per tithable, plus one-20th of the tithable's stock. An appeal was made to the self-perpetuating vestries in 1660 to raise the levy for the support of their minister. It is evident that in most cases the vestries failed to hear this plea. The payment of salaries from this period until the Revolution became uncertain. Many clergymen, not being able to withstand such uncertainties, returned to England. Because of the desperateness of the situation the King ordered the Governor to institute a relief system for the clergy. In order further to relieve the clergy, the Act of 1691 granted them one-third of the export tax on skins and furs. This stipend was often withheld because the vestries failed to give a required certificate to the minister, so that he might receive the relief. From the close of the 17th century, a bitter fight ensued over the payment of the clergyman's salary. By pressure brought to bear on the Governor, an Act was finally passed which granted the clergy 16,000 pounds of tobacco per year. This, however, did not solve the problem, for many of the vestries still refused the minister his prescribed salary. Legislation during this period shows the desperateness of the situation. The



clergy were finally granted by law in 1718 to be entitled to their living, whether or not they were inducted. The greatest controversy over salaries occurred in 1755, and again in 1758, when the Assembly stipulated by the "Two Penny Act" that the clergy were to be paid in money during a ten-month period. Many of the vestries, seeing an opportunity to enrich their own coffers when tobacco was high and money low in value, withheld the tobacco and paid the minister's salary in money. The clergy carried the issue to the courts. Although the courts declared the Acts null and void, the juries refused to grant more than one penny judgment. This action on the part of the clergy served to divorce them from the admiration and esteem of the Assembly. Their defeats served further to humiliate them in the eyes of their parishioners and vestries. We must not think that all vestries and clergy quarreled over salaries. We have many instances in which such harmonious conditions existed between the vestry and clergyman that his salary was raised to two and three times that which was required by law. There was a continuous struggle, however, on the part of the clergy throughout the whole of the colonial period to have their living made secure.

Glebes were provided for as early as 1619. These glebes were to encourage ministers to come to the colony and were to be administered at their pleasure and by their industry. Every congregation was required by law as early as



1642 to purchase a tract of land, generally 200 acres, and build a convenient parsonage. The parishioners were further required to give help for three years towards the clearing and improving of the land. By the 1650's, vestries had begun to sell these glebes under the pretense that the land had become unfertile. In reality, the pressure brought to bear on them by wealthy landowners, who wished to increase their own plantations, was generally the cause. To meet this situation, the Assembly of 1655 requires the vestries of every parish to provide a glebe, a parsonage and stock for the incumbent. The tithables of the parish were to be assessed for these necessities. As many of the parishes were without clergymen during the 17th century, the administration of the glebe naturally fell into the custody of the vestries. The vestries either leased the glebes or cultivated them, themselves. This practice caused serious difficulties during the ensuing seventy-five years, because the vestries, in many cases, refused to give the glebes to ministers not inducted and vowed they would never have an inducted minister. The withholding of the glebes reached its height during the administration of Governor Andros. The vestries argued that they were quite justified in withholding the glebe, as the glebe belonged to none but inducted men. The argument which the vestries further advances was that the clergy neglected the glebes and through their inexperience in management either wasted the land or



ruined it. These accusations were often valid, and Commissary Blair never disputed them but merely stated that the uncertainty of tenure caused such action on the part of the clergy. On the other hand, we have many evidences to show that where the clergymen and the vestries were working in harmony the glebe, when properly administered, provided a living befitting a gentleman. The answers to the inquiries sent to clergymen in 1724 by Commissary Blair show that the majority of the parishes had good glebes and parsonages and were well cared for by the parish. The glebes varied from 200 to 1500 acres in size. In many cases slaves were provided to work the glebe. We can surmise that the treatment of the clergymen in regard to glebes was not as vicious as many of the clergy made it out to be. But for those vestries which withheld the glebe, legislation in 1748 required the glebe to be given to every clergyman in a parish, whether he was inducted or only received. There was a general trend on the part of the vestries after 1730 for the improvement of the glebe. Many of the old glebes were sold and new ones purchased. Parsonages and slaves were provided in many cases. With the sweet also went the sour. Evidences during this period show that many parishes were dissolved for illegal handling of the money from the sale of old glebes. Our general conclusion in regard to the glebe can only be that there were unfavorable actions both



on the part of the clergy and the vestries; but a favorable condition was beginning to exist towards the middle of the 18th century.

The Act of 1642 granted the vestries of the colony of Virginia the right to choose and elect their own minister and present him to the governor for induction. Once a man was inducted he held his tenure for life, unless he was removed by an Act of the Assembly. As the vestries grew in power, they hesitated to grant such privileges to clergymen, wishing to retain the administration of the parish wholly within their own hands. By the close of the 17th century and the beginning of the 18th century, we find only three or four clergymen inducted. Most were hired year by year. This method of tenure had a demoralizing effect on the clergy and caused them to neglect their duties. A clergyman coming to the colonies found it difficult to adjust himself to this system of patronage. The failure and refusal of the vestries to induct made the life of some of the clergy almost unbearable. This uncertain tenure discouraged superior men from coming to the colony and could not help but make men neglect their glebes and work, and become mean and mercenary, as Commissary Blair has so blatantly expounded. But it is not on the vestries or the clergy that the blame should rest--but on the system. The system was most unfair and almost caused the ruin of



the church in the colony. Perhaps if the colony could have been supplied with native men, reared in this tradition, adjustment and understanding would have been the outcome.

Apparently the governors had within their jurisdiction the power to collate vacant parishes. This function was never used until the administration of Governor Nicholson. After securing advice from the Attorney General of England, he threatened parishes with collation and by the threat had several men inducted. However, he never actually collated a vacant parish. The induction controversy reached its height during the administration of Governor Spottswood, who held that as the representative of the King he had the King's power of patronage and could collate parishes. Collation was to be used in parishes which remained vacant for six months. A bitter dispute followed, but it was never definitely settled. Blair, the former champion of collation, held that Governor Spottswood had misunderstood his instruction and that collation was to take place only after a parish was vacant for six months. The uncertainty of the authority of the Bishop of London further confused Blair's position. After the administration of Governor Spottswood, the induction controversy gradually disappeared. We have no evidence that any other Governor used collation. The question of whether the Governor or the vestries had the right of patronage never was settled.



It is evident that the lack of a centralized power for settling disputes and governing the church was one of the roots of the evil. This system was doomed from the beginning. It worked a hardship on all concerned. Except by collation, there was no means of making a vestry induct a minister and of thereby insuring his living. Yet, on the other side, there was no episcopal supervision or ecclesiastical censure that would insure the conduct of a man once he was inducted. As far as induction of ministers was concerned, the question was cleared a little in 1748 when the Assembly granted all the spiritual and temporal benefits of the parish to the minister, whether he was inducted or only received. The question of induction itself never was settled, nor was the right of collation. The failure of induction and the threat of collation only served to divide the minister and his vestry. It never brought them together. The position of the church in the colony was made more precarious by the unsettled conditions of patronage. The parish as a political unit and the vestries as little dictators vanished with the Revolution. The parish as a purely ecclesiastical unit with representation of the people in the vestry then appeared.



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